

United States

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Circuit Court of Appeals

For the Ninth Circuit.

*2161*

UNITED STATES OF AMERICA, Ex-Rel.  
FRANCIS E. EVANS, as British Consul for  
the Southern District of California and for  
Arizona,

Appellant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who gives  
his true name as ALEXANDER STRAKOSCH,  
Appellee.

Transcript of Record

Upon Appeal from the District Court of the United  
States for the Southern District of California,  
Central Division.

FILED

MAY 10 1939

PAUL P. O'BRIEN,  
CLERK



United States  
Circuit Court of Appeals

For the Ninth Circuit.

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FRANCIS E. EVANS, as British Consul for  
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[Clerk's Note: When deemed likely to be of an important nature. errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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Los Angeles, California. [1\*]

In the United States District Court,  
Southern District of California,  
Central Division.

No. 13401-H

In the Matter of the Petition of  
**ALEXANDER STRAKOSCH**  
for a Writ of Habeas Corpus.

UNITED STATES OF AMERICA, Ex-Rel,  
FRANCIS E. EVANS, as British Consul for  
the Southern District of California and for  
Arizona,

Appellant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who gives  
his true name as ALEXANDER STRAKOSCH,  
Respondent.

CITATION.

To the Above Named Respondent and to His At-  
torneys of Record, Messrs. Isadore Dockweiler,  
Henry Dockweiler and Frank Jenal:

You Are Hereby Cited and Admonished to be  
and appear in the United States Circuit Court of  
Appeals for the Ninth Circuit, at the City of San  
Francisco, thirty days from and after the day this  
citation bears date, pursuant to appeal filed in the  
Clerk's office of the District Court of the United  
States for the Central Division of the Southern

District of California, wherein Francis E. Evans is appelland, and you are the Respondent to show cause, if any there be, why the judgment in the said Appeal mentioned should not be corrected, and why speedy justice should not be done the parties in that behalf.

Witness the Honorable Harry A. Hollzer, Judge of the District Court of the United States for the Southern District of California, this 8th day of April, 1938.

H. A. HOLLZER,

Judge of the District Court of the United States for the Southern District of California, Central Division. [2]

Service of the above citation acknowledged this 27th day of April, 1938.

ISIDORE B. DOCKWEILER

HENRY DOCKWEILER

FRANK B. JENAL

Attorneys for Respondent.

[Endorsed]: Filed Apr. 28, 1938. [3]

In the District Court of the United States, in and for the Southern District of California, Central Division.

No. 13401-H

In the Matter of the Petition of ALEXANDER STRAKOSCH for a Writ of Habeas Corpus.

PETITION FOR WRIT OF HABEAS CORPUS.

To the Honorable the Judges of the District Court of the United States, in and for the Southern District of California, Central Division:

The petition of Alexander Strakosch respectfully shows:

I.

That he is imprisoned, detained, confined and restrained of his liberty by Robert Clark, United States Marshal of the Southern District of California, at and in the County Jail of Los Angeles County, California.

II.

That said petitioner is now so imprisoned, detained and confined and restrained of his liberty under a certain Warrant of Commitment issued by David B. Head, United States Commissioner duly appointed by the District Court of the United States of America for the Southern District of California, Central Division, and which said Warrant of Commitment was issued in that certain proceeding pending before said Commissioner and entitled and designated as follows, to-wit:

“United States of America, [4]  
Southern District of California,  
Central Division.

Before U. S. Commissioner David B. Head.

No. 5774

In the Matter of UNITED STATES OF  
AMERICA, Ex-Rel,

FRANCIS E. EVANS, as British Consul for  
the Southern District of California and for  
Arizona,

Complainant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who  
gives his true name as ALEXANDER  
STRAKOSCH,

Accused.”

After a hearing before said Commissioner held on the 7th, 10th and 13th days of December, 1937, upon the second amended complaint filed in said above entitled proceeding in extradition on charge of the Government of Great Britain on the alleged violation of Section 32 of the Larceny Act, 1916, of the Criminal Law of Great Britain, and charged with the crimes and offenses of fraudulent conversion and obtaining money, valuable goods, or securities by false pretenses as set forth in said second amended complaint and upon the further charge that the said petitioner herein is a fugitive from justice within the United States of America

and was and is extraditable pursuant to the provisions of the Treaty for Extradition of Criminals made between the Governments of Great Britain and the United States of America and dated December 22nd, 1931, and proclaimed as law by the President of the United States of America on the 9th day of August, 1932.

### III.

That said imprisonment, detention, confinement and [5] restraint are illegal and that the illegality thereof consists in this, to-wit: That there was no legal evidence of facts adduced at said above mentioned hearing before said David B. Head, United States Commissioner as aforesaid, to sustain any of the alleged charges in said Warrant of Commitment issued December 15, 1937, as aforesaid, against Petitioner, and that there is not sufficient cause or grounds or probable cause to believe Petitioner herein guilty of any of the charges set forth in said Warrant of Commitment.

### IV.

That no previous application for a Writ of Habeas Corpus has been made in this matter.

### V.

That your petitioner is not being held by virtue of any complaint, indictment, presentment, warrant or quarantine law, rule, regulation or order or upon any criminal charge or other order of arrest except the said Warrant of Commitment herein referred to.



## VI.

That the records, files and evidence in the said proceedings before the said David B. Head, United States Commissioner as aforesaid, are now in the possession of and in the custody of said Commissioner and that a copy of such records and evidence is not available to Petitioner to file herewith and therefore your petitioner prays for an additional order of said court requiring the said David B. Head, United States Commissioner as aforesaid, to file with this court at or before the time of the hearing of this petition aforesaid the records, files and evidence and the whole thereof, and your Petitioner stipulates and agrees that when said records, files and evidence [6] are received and presented for consideration, said records, files and evidence be of the same force and effect as if filed herewith as a part of this petition.

Wherefore, your petitioner prays that a writ of Habeas Corpus issue out of and under the seal of this court directing the said Robert Clark, United States Marshal aforesaid, to have the body of said petitioner before this Honorable Court at the time and place in said writ specified, together with the true cause of his detention to the end that due inquiry may be had in the premises and your petitioner prays that this court may proceed in a summary way to determine the facts in this case and the legality of said petitioner's imprisonment, detention, confinement and restraint and that there-

upon your said petitioner may be restored to his liberty.

ALEXANDER STRAKOSCH

Petitioner

ISIDORE B. DOCKWEILER

FREDERICK C. DOCKWEILER

FRANK P. JENAL

Attorneys for Petitioner.

Let the writ of Habeas Corpus prayed for issue returnable before the Court at 10 o'clock A. M., on the 14th day of January, 1938.

Dated this 8th day of January, 1938.

HARRY A. HOLLZER

Judge [7]

United States of America,  
Southern District of California,  
Central Division—ss.

Alexander Strakosch, being by me first duly sworn, deposes and says: that he is the Petitioner in the above entitled action; that he has read the foregoing Petition and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters which are therein stated upon his information or belief, and as to those matters that he believes it to be true.

ALEXANDER STRAKOSCH.

Subscribed and sworn to before me this 8th day of January, 1938.

[Seal]                    LETITIA F. GOYETTE

Notary Public in and for the County of Los Angeles, State of California.

My Comm. expires May 26-1939.

[Endorsed]: Filed Jan. 8, 1938. [8]

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[Title of District Court and Cause.]

WRIT OF HABEAS CORPUS

The President of the United States To Robert Clark, United States Marshal of the Southern District of California, Greeting:

You Are Hereby Commanded to have the body of Alexander Strakosch by you imprisoned, by whatever name he shall be called, the petitioner for a Writ of Habeas Corpus in the above-entitled case, before the above-entitled Court and the Honorable Harry A. Hollzer, Judge of said Court, at the court room of said Court in the City of Los Angeles, California, on the 14th day of January, 1938, at 10 A. M., to do and receive what shall then and there be commanded in the premises, and have you then and there this writ.

Witness The Honorable Harry A. Hollzer, Judge of the said United States District Court, for the Southern District of California, Southern Division.

Dated: January 8, 1938.

[Seal] R. S. ZIMMERMAN,  
Clerk.

By EDMUND L. SMITH,  
Deputy Clerk.

Received original writ this 8th day of January,  
1938.

ROBERT E. CLARK,  
U. S. Marshal.

By C. G. MERTZ  
Deputy U. S. Marshal.

[Endorsed]: Filed Jan. 11, 1938. [9]

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[Title of District Court and Cause.]

RETURN TO WRIT OF HABEAS CORPUS.

To the Honorable Harry A. Hollzer, Judge of the  
District Court of the United States, in and for  
the Southern District of California, Central  
Division:

I hereby certify and return that before the coming to me of the annexed writ of habeas corpus the said Alexander Strakosch was committed to my custody, and is detained by me by virtue of a warrant issued by David B. Head, United States Commissioner duly appointed by the District Court of the United States of America for the Southern District of California, Central Division to take acknowledgments of bail and affidavits in civil cases,

pending in the courts of the United States of America, pursuant to the acts of Congress in that behalf and also specially authorized by order of the District Court of the United States in and for the Southern District of California, Central Division, duly made, given and entered, in said court pursuant to the act of Congress in that behalf, to act as Commissioner in and for said District in Extradition cases, between the United States and foreign countries, and by the indorsements made upon said warrant. Copy of said warrant and indorsement is annexed hereto and made a part of this return. Nevertheless, I have the body of the said Alexander Strakosch before the Honorable Court, as I am in the said writ commanded.

Dated: January 10th, 1938.

ROBERT E. CLARK

United States Marshal

By ROBERT E. CLARK

Deputy.

Date Jan. 11, 1938.

[Endorsed]: Filed Jan. 11, 1938. [10]

United States of America, Southern District of  
California, Central Division.

Before U. S. Commissioner, David B. Head.

No. 5774

In the Matter of

UNITED STATES OF AMERICA, Ex-Rel,  
FRANCIS E. EVANS, as British Consul for  
the Southern District of California and for  
Arizona,

Complainant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who gives  
his true name as ALEXANDER STRAKOSCH,  
Accused.

REPORT OF UNITED STATES COMMIS-  
SIONER DAVID B. HEAD TO THE SEC-  
RETARY OF STATE OF THE UNITED  
STATES OF AMERICA.

To the Honorable Cordell Hull, Secretary of State  
of the United States of America :

I, David B. Head, as United States Commis-  
sioner for the Southern District of California, Cen-  
tral Division, specially authorized and empowered  
to perform all the duties of United States Commis-  
sioner, under the extradition laws and treaties of  
the United States of America, do hereby certify the  
proceedings in the above matter to be as follows :

I.

That on the 14th day of October, 1937, William Fleet Palmer, Assistant United States Attorney for the Southern District of California, Central Division, filed a complaint in which it was alleged:

(a) That he acted for and on behalf of the Government of Great Britain; that the above named Accused was duly and legally charged with having committed the crime of obtaining money, valuable securities and other property by false pretenses; [11]

(b) That the said Accused had fled outside the boundaries of Great Britain. That a warrant for the arrest of the said Accused could not be served in Great Britain and that said Accused had sought an asylum within the jurisdiction of the United States and might be found in the State of California and the City of Los Angeles;

(c) That the said crime was among the offenses enumerated in the Treaty existing between the United States and Great Britain proclaimed April 21st, 1901;

(d) That the said complaint prayed that a warrant might issue for the arrest of the said Accused charged as aforesaid. That he might be brought before a Commissioner or magistrate qualified to act in extradition matters, to the end that evidence of criminality might be heard;

(e) That the said crime of obtaining money, valuable securities and other property by false pre-

tenses was more particularly referred to in Article I, Sec. 11 of said Treaty.

That a copy of said complaint is hereunto annexed and made a part hereof and marked "Exhibit A", to be found at pages 18 to 20 of this report.

## II.

That on the filing of said complaint by said William Fleet Palmer, a Warrant was issued by me, David B. Head, as Commissioner for the Southern District of California, Central Division, and also a Commissioner specially authorized to act in and for said District in extradition cases, directed to any Marshal of the United States and to his deputies or any or either of them, commanding them in the name of the President of the United States of America to apprehend said Accused and bring his body before me, a United States Commissioner, appointed by the District Court of the United States for the Southern District of California, Central Division, and also a Commissioner appointed to act in and for said [12] district in extradition cases, at my office in the City of Los Angeles, California, or before the nearest United States Commissioner, duly appointed and qualified in the jurisdiction in which the said Accused might be found, authorized to hear extradition cases, to the end that the evidence of his criminality might be heard and considered, and that he might then and there be dealt with according to law, for the offenses mentioned in said Com-



plaint and in said Warrant; that a true copy of said Warrant is hereto attached and made a part hereof, marked "Exhibit B", to be found at pages 21 to 22 of this report.

### III.

That on the 14th day of October, 1937, the said Accused was arrested upon the said complaint, at which time he was brought before me.

### IV.

That on the 14th day of October, 1937, a Warrant of Temporary Commitment was issued by me as said Commissioner directed to the United States Marshal of the Southern District of California, Central Division and to his deputies, commanding them in the name of the President of the United States to receive the said Accused into their custody and safety and to keep the said Accused until he should be legally discharged; that a copy of said Warrant of Temporary Commitment is hereto annexed and made a part hereof, marked "Exhibit C", pages 23 to 24 of this report.

### V.

That on the 14th day of October, 1937, I fixed the 2nd day of November, 1937, as the date for hearing the evidence of the criminality of said Accused.

### VI.

That on the 2nd day of November, 1937, I made an order adjourning the date of hearing the evi-

dence of the criminality of the said Accused until the 16th day of November, 1937; [13]

### VII.

That on the 16th day of November, 1937, on the application and request of counsel for the said Accused, I made an order adjourning the date of hearing the evidence of the criminality of the said Accused until the 30th day of November, 1937.

### VIII.

That on the 16th day of November, 1937, with my consent, Francis W. Evans, his Britannic Majesty's Consul at Los Angeles, California, for the District of Southern California and Arizona, filed an Amended Complaint before me as such Commissioner in which it was (inter alia) alleged:

(a) That he had been informed and believed and therefore alleged that an Information had been filed by the Director of Public Prosecutions of Great Britain with Alderman Sir Harry Twyford Knight, one of his Majesty's Justices of the Peace for the City of London, England, supported by certain depositions sworn before the said Justice upon an application for a Warrant for the Arrest of the said Accused Alex Graham, otherwise Strakosch and of one Stanley Grove Spiro, both of 5 Suffolk Street, Pall Mall, London, S. W. 1, England on charges of crimes and offenses against the Larceny Act of 1916 of Great Britain alleged to have been committed in Great Britain, particulars of which

said charges were more particularly set forth in the said Warrant;

(b) That a warrant was issued by the said Justice on the 13th day of September, 1937, for the arrest of the said Accused and the said Stanley Grove Spiro on charges of the following crimes and offenses, to-wit:

1. Of obtaining money and valuable securities by false pretenses, and
2. On charges of fraudulent conversion;

(c) That the said crimes and offenses were committed within the Territory of His Britannic Majesty, to-wit, in Great Britain at various times and places between the dates of February 8th, 1935 [14] and the 9th day of December, 1936, both inclusive.

(d) That the said crimes and offenses were amongst those specified in the Treaty dated December 22nd, 1931 made between the United States of America and Great Britain, relating to the extradition of criminals.

(e) That the said Accused Alex Graham, otherwise Strakosch, had now been found within the United States of America and was a fugitive from justice therein;

That a copy of said amended complaint is hereto annexed and made a part hereof and marked "Exhibit D", to be found at pages 25 to 38 of this report.

## IX.

That on the 16th day of November, 1937, the said Accused was brought before me, in the presence of S. T. Hankey, Esq., and F. J. Finucane, Esq., counsel for the said British Consul, and Isidore B. Dockweiler, Esq., and Henry Dockweiler, Esq., counsel for the Accused, at which time said Accused gave his true name as Alexander Strakosch.

## X.

That on the 16th day of November, 1937, a Warrant of Temporary Commitment was issued by me, David B. Head, as Commissioner for the Southern District of California, Central Division, and also as a Commissioner specially authorized to act in and for said District in extradition cases, directed to the United States Marshal of the Southern District of California, Central Division, and to his deputies, commanding them, in the name of the President of the United States, to commit the said Accused to the custody of the keeper of the county jail at Los Angeles, at Los Angeles, in the State of California, United States of America, and to leave with the said keeper of said jail a certified copy of the writ and commanding the said United States Marshal and each and all of his deputies and the keeper of the said county jail, to receive and [15] keep the said Accused, there to remain to abide my further order. That a copy of said Warrant of Temporary Commitment is hereunto annexed and made a part

hereof and marked "Exhibit E", to be found at pages 39 to 42 of this report.

XI.

That on the 30th day of November, 1937, on the application and request of counsel for the said Accused, I made an order adjourning the date of hearing the evidence of the criminality of the said Accused until the 7th day of December, 1937.

XII.

That on the 7th day of December, 1937, with my consent, the said British Consul filed a Second Amended Complaint before me as such Commissioner in which it was (inter alia) alleged:

(a) That the said British Consul made said Second Amended Complaint and acted therein for and on behalf of the Government of Great Britain and under and pursuant to the provisions of the Treaty of Extradition between the United States of America and Great Britain, concluded between the said High Contracting Parties on the 22nd day of December, 1931, which said Treaty was thereafter duly ratified and thereafter proclaimed as law by the President of the United States of America, to-wit, on or about the 9th day of August, 1932 and had ever since been and is now the law;

(b) That he had been informed and believed and therefore alleged that an Information had been filed by the Director of Public Prosecutions of Great Britain with Alderman Sir Harry Twyford Knight,

one of his Majesty's Justices of the Peace for the City of London, England, supported by certain depositions sworn before the said Justice upon an application for a Warrant for the arrest of the said Accused Alex Graham, otherwise Strakosch and of one Stanley Grove Spiro, both of 5 Suffolk Street, Pall Mall, London, S. W. 1, England on charges of crimes and offenses against the Larceny Act of 1916 of Great Britain alleged to have been committed [16] in Great Britain, particulars of which said charges were more particularly set forth in the said Warrant;

(c) That a Warrant was issued by the said Justice on the 13th day of September, 1937, for the arrest of the said Accused and the said Stanley Grove Spiro on charges of the following crimes and offences, to-wit:

1. Of obtaining money and valuable securities by false pretenses, and
2. On charges of fraudulent conversion;

(d) That the said crimes and offenses were committed within the territory of His Britannic Majesty, to-wit, in Great Britain at various times and places between the dates of February 7th, 1935 and the 2nd day of February, 1937, both inclusive. That a copy of said Second Amended Complaint is hereunto annexed and made a part hereof and marked Exhibit "F", to be found at pages 43 to 64 of this report.

## XIII.

That it was further alleged by the said British Consul that it appeared from the depositions that the particulars of the crimes against the said Larceny Act of 1916 of Great Britain which had been committed by the said Accused as aforesaid were as follows:

(a) That said Accused and said Stanley Grove Spiro on or about the 8th day of February, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by John Henry Turner to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 300 shares in the London and Manchester Assurance Co., Ltd., of the value of £5,025, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to [17] the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, contrary to section 32 (1) of the said Larceny Act, 1916.

(b) That the said Accused and said Stanley Grove Spiro, on or about the 17th day of June, 1935, in the City of London, with intent to defraud,

caused or procured to be delivered by Reginald Harry East to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 500 Associated British Pictures Preference shares, 1,000 Barclay Perkins & Co., ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/6d. shares, 300 Daily Mirror Newspaper 8% Preference shares, 300 Fremlin's Ltd. Ordinary shares, 1,000 Gamage Ordinary shares, 1,000 Gold Producers Fixed Trust (1st Series) Sub-Units, 500 Great Universal Stores 5s/ Ordinary Shares, 312 Ind Coope & Co. Ordinary shares, £1,000 London County Co unciil 4½% stock, 600 Maux's Brewery Ordinary shares, 700 National Fixed Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary Shares, 1,000 Tarkwa Banket West 1s/-shares, 400 Taylor Walker & Co., ordinary shares, and 1,050 Peter Walker & Robert Cain Ordinary shares, together of the value of £17,000, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that £100 Debentures in Brucefield Collieries Ltd. were a sound investment, and that they were then worth £100, and that 5½% £100 Notes of the Scottish Gas Utilities Corporation, Ltd. were a sound investment, con-



trary to section 32 (1) of the said Larceny Act, 1916. [18]

(c-1) That the said Accused and said Stanley Grove Spiro, in or about the month of February, 1936, in the City of London, being intrusted by Reginald Harry East with certain property, to wit, £791-19-6, in order that they might apply it to the purchase of 300 Great Universal Stores, Ltd., shares, fraudulently converted the same to the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (a) of the said Larceny Act, 1916.

(c-2) That the said Accused and the said Stanley Grove Spiro, in the month of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to wit £800, in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, fraudulently converted the same to the use and benefit of themselves the said Stablye Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (a) of the said Larceny Act, 1916.

(d) That the said Accused and said Stanley Grove Spiro, in the City of London, with intent to defraud, caused or procured to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securi-

ties, to-wit, on August 12th, 55 Nat. Canning Ord. of the value of £63.4.6; on the 23rd of August 1050 Ever Ready Ord. of the value of £1152.12.0; £1180 4% Consols of the value of £1137.13.6, £50 3½% War Stock of the value of £52.5.9, £500 2½% India Stock of the value of £351.16.6; on Oct. 9th, 100 Bats 6% Pref. of the value of £143.11.6, 321 Bats. Ord. of the value of £1759.5.7; on Oct. 29th £ Yorksh. Amalg. Pred. Deb. of the value of £383.19.9, 850 Allied Newspaper Ord. of the value of £1269.10.0, 1000 Garbo Plaster Ord. of the value of £271.16.6, 500 Ideal Building 5% Cum. Pref. of the value of £434.6.6, 160 Brit. Shareholders Ord. of the value of £254.9.0, £650 Gaumont Brit. Deb. of the value of £599.13. [19] 0, 400 Thomas Tilling Ord. of the value of £1194.17.0, all of the total value of £9,271.1.10, and all in the year 1935 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the said Larceny Act, 1916.

(e) That the said Accused and the said Stanley Grove Spiro on or about the 9th day of October, 1935, in the City of London, having received certain property, to-wit a cheque for the payment of £1,000 for and on account of Peter Daniel, fraudulently converted the same and the proceeds thereof

to the use and benefits of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (b) of the said Larceny Act, 1916.

(f) That the said Accused and the said Stanley Grove Spiro, at some date between July 28th, 1936, and August 11th, 1916, in the City of London, with intent to defraud, caused or procured to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson a certain valuable security, to wit, a cheque for the payment of £88.0.6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36 New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the said Larceny Act, 1916.

(g-1) That the said Accused and the said Stanley Grove Spiro, on or about the 3rd day of April, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise [20] Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £242-13-6 by falsely pretending that the said firm of Maclean

& Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value, contrary to section 32 (1) of the said Larceny Act, 1916.

(g-2) That the said Accused and the said Stanley Grove Spiro, on or about the 28th day of May, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson certain monies, to-wit, the sum of £375 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the shares in Gold Reefs of West Africa Ltd., were a sound investment and increasing in value, contrary to section 32 (1) of the said Larceny Act, 1916.

(g-3) That the said Accused and the said Stanley Grove Spiro, on or about the first day of December, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use

and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, two checks in the total amount of £375-3-6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the [21] purchase and sale of stocks and shares, and that the 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value, and that they were then worth 7s/-a share, contrary to section 32 (1) of the said Larceny Act, 1916.

(h) That the said Accused and the said Stanley Grove Spiro on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by John Cooper Russell to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro, and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 210 Hallamshire Coal Supplies Shares, 100 Brooks & Doxey shares, 120 Tinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares, and 936 J. Compton Sons & Webb shares, of a total value of L 7,032.0.0 - - - by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment

brokers at 36 New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd., were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the said Larceny Act, 1916.

(j-1) That the said Accused and the said Stanley Grove Spiro, in or about the month of May, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch, and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £232.1.0. by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. [22] were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the said Larceny Act, 1916.

(j-2) That the said Accused and the said Stanley Grove Spiro, on or about the 31st day of August, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by

William Fethergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £158.3.6 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 7/4½ each, contrary to section 32 (1) of the said Larceny Act, 1916.

(j-3) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the city of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £700.0.9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares

in Gold Reefs of West Arica Ltd. were a sound investment, and that they were then worth 7/41½ each, contrary to section 32 (1) of the said Larceny Act, 1916.

(k-1) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered [23] by Francis Jackson to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt and Co., a certain valuable security, to wit, a check for the payment of £337.8.6, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa were then worth at least 6/3 a share, contrary to section 32 (1) of the said Larceny Act, 1916.

(k-2) That the said Accused and the said Stanley Grove Spiro on or about the 4th day of November, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to



wit, a check for the payment of £795, by falsely pretending that the said firm of S. R. Bunt & Co., then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West Africa Mining Corporation Ltd., were a sound investment, and that they were then worth at least 83/6d a share, contrary to section 32 (1) of the said Larceny Act, 1916.

(k-3) That the said Accused and the said Stanley Grove Spiro, on or about the 1st day of February, 1937, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to wit, a check for the payment of £2,975, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an [24] honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation, Ltd. were a sound investment, and that they were then worth at least 8s/6d. a share, contrary to Section 32(1) of the said Larceny Act, 1916.

(l-1) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of Octo-

ber, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to-wit, a cheque for the payment of £202.13.6 by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa were a sound investment and they were then worth at least 6/3 a share, contrary to section 32 (1) of the said Larceny Act, 1916.

(1-2) That the said Accused and the said Stanley Grove Spiro, on or about the 9th day of November, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to wit, a cheque for the payment of £170, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then

was prepared to give honest advice as to the purchase and sale of stocks and shares and that 53/- shares in the West African Mining Corporation, Ltd. were a sound investment and that they were then worth at least 8s/6d a share contrary [25] to section 32 (1) of the said Larceny Act, 1916.

#### XIV.

That the said Second Amended Complaint having been regularly brought on for hearing before me, David B. Head as United States Commissioner for the Southern District of California, Central Division, of the United States of America, specially authorized by order of the District Court of the United States for the said District to perform all the duties of Commissioner under the Extradition laws and Treaties of the United States in said District, and Francis E. Evans, the British Consul representing the Government of Great Britain, being represented by S. T. Hankey and F. J. Finucane, and the said Accused being represented by Isidore B. Dockweiler and Henry Dockweiler, on the 7th, 10th, and 13th days of December, 1937, and it appearing to me as such United States Commissioner from the evidence introduced that there are sufficient grounds to believe that the crimes charged in said Second Amended Complaint had been committed and that the said Accused is identified as both Alex Graham and Alexander Strakosch, the person charged in the said Second Amended Complaint and that the said Alexander Graham or

Alexander Strakosch is guilty of the crimes so alleged and charged in said Second Amended Complaint and that since the date of the commission of said crimes he had fled into and is now within the Southern District of California, Central Division, in the United States of America and that all of the facts alleged and charged in said Second Amended Complaint are true and that he should be surrendered to the Government of Great Britain, part of the Domain of His Britannic Majesty for trial for the crimes so charged, and that the crimes alleged and charged in said Second Amended Complaint are embraced in the Treaty for the Extradition of Criminals made between the Government of Great Britain and the United States of America and dated December 22nd, 1931, and proclaimed as law by the President of the United States of America on the 9th day of August, 1932, providing for extradition on account [26] of the crimes or offenses of fraudulent conversion and obtaining money, valuable securities or goods by false pretenses; and therefore I would, and I thereupon did, make a warrant for the commitment of the said Alexander Graham or Alexander Strakosch to the custody of the United States Marshal and each and all of his deputies, and the keeper of the county jail at Los Angeles, California, requiring them and each of them to keep the said Alexander Graham or Alexander Strakosch to await the order of you, the Secretary of State of the United States of America, in this matter.

That I have annexed thereto, a true copy of said warrant of commitment and made the same a part hereof marked "Exhibit G", to be found at pages 65 to 81 of this report;

In Witness Whereof, I have hereunto affixed my hand and seal at the City of Los Angeles, County of Los Angeles, State of California, United States of America, this 7th day of January, 1938.

DAVID B. HEAD

United States Commissioner duly appointed by the District Court of the United States of America for the Southern District of California, Central Division, to take acknowledgments of bail and affidavits in civil cases, pending in the courts of the United States of America, pursuant to the acts of Congress in that behalf and also specially authorized by order of the District Court of the United States in and for the Southern District of California duly made, given and entered, in said court pursuant to the act of Congress in that behalf, to act as Commissioner in and for said District in Extradition cases, between the United States and foreign countries. [27]

## EXHIBIT A.

In the District Court of the United States, in and for the Southern District of California, Central Division.

No. 5774

In the Matter of the Extradition of ALEXANDER STRAKOSCH, a Fugitive from the Justice of Great Britain.

## COMPLAINT

The Honorable, the United States Commissioner for the Southern District of California:

Your complainant, the Attorney of the United States, for the Southern District of California, under oath, deposes and says:

## I.

That, in the above entitled matter, he acts for and in behalf of the Government of Great Britain.

## II.

That he is informed, through diplomatic channel, that the said Alexander Strakosch is duly and legally charged with having committed the crime of obtaining money, valuable securities and other property by false pretenses:

## III.

That the said Alexander Strakosch has fled outside the boundaries of the said Great Britain; that Warrant for the arrest of the said Alexander

Strakosch cannot be served in said Great Britain; and that the said Alexander Strakosch has sought an asylum within the jurisdiction of the United States and may be found in the State of California, and the City of Los Angeles;

#### IV.

That the said crime of obtaining money, valuable securities and other property by false pretenses which Alexander Strakosch is charged to have committed in said foreign country, is among the offences enumerated in the Treaty existing between the United States and said Great Britain, proclaimed April 22nd, 1901; [28]

#### V.

That the said crime of obtaining money, valuable securities and other property by false pretenses, is more particularly referred to in Article I, Section II of said Treaty.

#### VI.

That through the diplomatic channel, your complainant is informed and believes that requisition for the herein named fugitive Alexander Strakosch is about to be made, accompanied by the formal papers upon which demand for extradition is founded;

Wherefore, your petitioner, acting under the authority and in the behalf stated, prays the consideration of this petition and that a Warrant may issue for the arrest of the said Alexander Strakosch charged as aforesaid, that he may be brought be-

fore a Commissioner or magistrate qualified to act in extradition matters, to the end that evidence of criminality may be heard, and, if on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of said Treaty, said magistrate or Commissioner shall certify the same to the Secretary of State at Washington, D. C., in order that Warrant may issue upon the requisition of the proper authority of said foreign government for the surrender of the said Alexander Strakosch according to the stipulations of said Treaty, and for such other action as the said Commissioner or magistrate is required under the provisions of said Treaty and the laws of the United States to take.

Dated at Los Angeles, California, October 14th, 1937.

United States of America,  
Southern District of California—ss.

Before me, David B. Head, United States Commissioner for the Southern District of California, personally appeared the complainant, William Fleet Palmer, Assistant United States Attorney for the Southern District of California, on the 14th day of October, [29] 1937, who being duly sworn, says that the foregoing information is true, as he verily believes.

WILLIAM FLEET PALMER.

Subscribed and Sworn to before me this 14th day of October, 1937.

DAVID B. HEAD

United States Commissioner. [30]



EXHIBIT B.

United States of America,  
Southern District of California, Central Division.

No. 5774

In the Matter of the Extradition of ALEXANDER  
STRAKOSCH, a fugitive from the Justice of  
Great Britain.

WARRANT IN EXTRADITION.

The President of the United States of America; To  
any Marshal of the United States and to his  
deputies or any or either of them, Greeting;

I.

Whereas, complaint has been made on oath, under  
and pursuant to the provisions of the Treaty of  
Extradition between the United States of America  
and Great Britain, before me, David B. Head, one  
of the Commissioners appointed by the District  
Court of the United States for the Southern Dis-  
trict of California, and also a Commissioner es-  
pecially appointed to execute the Act of Congress,  
entitled "An Act for giving effect to certain Treaty  
stipulations between this and foreign governments  
for the apprehension and delivery of certain of-  
fenders, approved Aug. 12th, 1848," and of the sev-  
eral acts amendatory thereof, by Ben Harrison,  
United States Attorney for the Southern District  
of California, by William Fleet Palmer, Assistant  
United States Attorney for the Southern District

of California, charging Alexander Strakosch with the crime of obtaining money, valuable securities and other property by false pretenses, in violation of a law of Great Britain;

## II.

That the crime with which the said Alexander Strakosch is charged, to-wit: Obtaining money, valuable securities and other property by false pretenses is a crime embraced in the Treaty of Extradition between the Government of the United States of America and the Government of Great Britain:

[31]

Now, Therefore, You Are Hereby Commanded in the Name of the President of the United States of America to apprehend said Alexander Strakosch and bring his body before me, a United States Commissioner appointed by the District Court of the United States for the Southern District of California, and also a Commissioner appointed to act as Commissioner in and for said District in Extradition cases, at my office in the City of Los Angeles, State of California or before the nearest United States Commissioner duly appointed and qualified, in the jurisdiction in which the said Alexander Strakosch may be found, authorized to hear extradition cases, to the end that the evidence of his criminality may be heard and considered and that he may then and there be dealt with according to law, for the said offense.

Given under my hand and seal at Los Angeles, California, this 14th day of October, 1937.

[Seal]                      DAVID B. HEAD

United States Commissioner for the Southern District of California, and a Commissioner especially authorized to act as Commissioner in and for the said District in Extradition cases.

A true copy.

DAVID B. HEAD,

United States Commissioner. [32]

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EXHIBIT C.

United States of America

Southern District of California, Central Division

Before U. S. Commissioner, David B. Head

No. 5774

In the Matter of the UNITED STATES OF AMERICA, ex rel FRANCIS E. DAVIS, as British Consul for the Southern District of California and for Arizona,

Complainant,

vs.

ALEX GRAHAM, alias Alexander Strakosch,  
Accused.

**WARRANTY OF TEMPORARY  
COMMITMENT.**

The President of the United States of America, to the Marshal of the United States for the Southern District of California, and to his Deputies, or any or either of them, Greetings:

Whereas, Alexander Strakosch stands charged on oath before me, David B. Head, a United States Commissioner, duly authorized and empowered by the District Court of the United States, in and for the Southern District of California, to take affidavits and bail in civil cases depending in the courts of the United States, and to execute all the powers and perform all the duties conferred, required or authorized by any Act of Congress now in force, or that may hereafter be passed, with having committed an offense, to-wit: that on or about the.....day..... A. D. 19....., he the said Alexander Strakosch in Great Britain did knowingly, willfully, unlawfully and feloniously obtain money, valuable securities and other property by false pretenses and has now sought an asylum in the City of Los Angeles, State of California and within the jurisdiction of the United States. That the crime with which the said Alexander Strakosch is charged is among the offenses enumerated in the Treaty existing between the United States and Great Britain proclaimed April 22, 1901. [33]

And Whereas, pending an examination being had by me of the said Alexander Strakosch, I have

ordered that he be held to answer to the same and that he be committed to the Marshal of the United States for the Southern District of California.

Now, Therefore, You are Hereby Commanded, in the name of the President of the United States of America, to receive into your custody and safety to keep the said Alexander Strakosch until he be legally discharged, in default of bail in the sum of \$.....

Given under my hand and seal at Los Angeles, California, in the District aforesaid this 14 day of October, A. D. 1937.

[Seal]

DAVID B. HEAD

United States Commissioner  
for the Southern District of  
California.

The within commitment received by me on the 14th day of October, 1937, and is returned this 14th day of Oct. 1937.

ROBERT E. CLARK

U. S. Marshall.

By FLOYD S. KEARN,

Deputy.

I, David B. Head, a United States Commissioner in and for the Southern District of California, do hereby certify the foregoing to be a true copy of a Writ issued from my office.

Attest my hand and seal at Los Angeles, this..... day of....., A. D. 193.....

.....  
United States Commissioner [34]

## EXHIBIT D

United States of America,  
Southern District of California, Central Division,  
Before U. S. Commissioner, David B. Head.

No. 5774

In the Matter of

UNITED STATES OF AMERICA, Ex-Rel,  
FRANCIS E. EVANS, as British Consul for  
the Southern District of California and for  
Arizona,

Complainant,

vs.

ALEX GRAHAM, alias STRAKOSCH,  
Accused.

AMENDED COMPLAINT IN EXTRADITION  
ON CHARGE OF THE GOVERNMENT OF  
GREAT BRITAIN.

Be It Remembered, that before David B. Head, the United States Commissioner, duly appointed by the District Court of the United States of America for the Southern District of California to take acknowledgments of bail and affidavits in civil cases pending in the courts of the United States of America, pursuant to the Acts of Congress in that behalf, and also specially authorized by order of the District Court of the United States in and for the said Southern District of California duly made, given and entered in said court pursuant to the Act

of Congress in that behalf, to act as Commissioner in and for said District in extradition cases, between the United States and foreign countries, personally appeared Francis E. Evans, who, being by him first duly sworn according to law, deposes and says:

That he is the duly qualified, commissioned and acting British Consul for the District of Southern California, comprising the Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo and Santa Barbara and Ven- [35] tura, and for the State of Arizona, located in the City of Los Angeles, County of Los Angeles, State of California, and as such British Consul is vested with full power and legal authority to represent the Government of Great Britain in the case of the extradition of Alex Graham (otherwise Strakosch), hereinafter mentioned;

That he makes this complaint and acts herein for and on behalf of the Government of Great Britain, and under and pursuant to the provisions of the Treaty of Extradition between the United States of America and Great Britain, concluded between the said High Contracting Parties on the 22nd day of December, 1931.

### I.

That affiant is informed and believes and therefore alleges that an Information was filed by the Director of Public Prosecutions of Great Britain with Alderman Sir Harry Twyford Knight, one of

his Majesty's Justices of the Peace for the City of London, England, supported by the depositions of Peter McIntyre Hunter, Luis Sancha, Agnes Elizabeth Payn, George William Baldwin, Leonard Peter Darsley, John Henry Turner, Reginald Harry East, Charles Wood, William Scott, John Cooper Russell, Frank Plater, Benjamin Waters, Frederick William Dove, Ruby Isabel Croucher, Rose Kathleen Watson, Ethel Mary Lowry, Alexander Michael Jones, Owen Wyatt Williams, George Edmund Walker Bridge, Francis Jackson, Charles Henry Row and Edwin Clayton, sworn before the said Justice on the 27th day of August, 1937, and the depositions of Claude Morse-Stephens, Francis Joseph Mildner, Peter Daniel, Thomas Cankerspear, Charles Walter Engel and May Lilian Phillips sworn before the said Justice on the 6th day of September, 1937, and the depositions of David Kerman and William Fethergill sworn before the said Justice on the 13th day of September, 1937, upon an application for a Warrant for the arrest of one Stanley Grove Spiro and the above named Accused Alex Graham, otherwise Strakosch both of 5 Suffolk Street, Pall Mall, London, S. W. 1, England on charges of crimes [36] and offenses against the Larceny Act of 1916 of Great Britain alleged to have been committed in Great Britain, particulars of which said charges are more particularly set forth in the Warrant hereinafter referred to as Exhibit A to this complaint.



II.

That on the filing of the said Information supported by the said depositions, a Warrant based thereon was issued by the said Justice for the arrest of the said Stanley Grove Spiro and the above named Accused Alex Graham (otherwise Strakosch).

III.

That a true copy of the said Warrant is attached to this complaint and made a part hereof and marked Exhibit A thereto.

IV.

That it appears from the said depositions that the following are provisions of the Criminal Law of Great Britain, to-wit:

Section 32 of the Larceny Act, 1916, by sub-section (1) provides that every person who by any false pretence with intent to defraud, obtains from any other person any chattel, money or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person, shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding five years.

Section 20 of the Larceny Act, 1916, by sub-section (1) (iv) (a) provides that every person who being entrusted either solely or jointly with any

other person with any property in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; fraudulently converts to his own use or benefit, or the use and benefit of any other person, the property or any part thereof or any proceeds thereof [37] shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

Section 20 of the Larceny Act, 1916, by sub-section (1) (iv) (b) provides that every person who having either solely or jointly with any other person received any property for or on account of any other person; fraudulently converts to his own use and benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

By section 45 of the Larceny Act, 1916, "property" includes any description of real and personal property and all deeds and instruments relating to or evidencing the title or right to any property, and includes not only such property as has been in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged; and by the same section of the same Act "valuable security" includes any writing entitling or evidencing the title of any

person to any share in any company, or any order or security for the payment of money.

V.

That by a Treaty dated December 22nd, 1931 made between the United States of America and Great Britain, relating to the extradition of criminals, it is provided, amongst other things, as follows:

Article 1.

The High Contracting parties engage to deliver up to each other, under certain circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article 3, committed within the jurisdiction of the one Party, shall be found within [38] the territory of the other Party.

Article 3.

Extradition shall be reciprocally granted for the following crimes or offences:

17. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, or fraudulent conversion.

18. Obtaining money, valuable security, or goods, by false pretenses; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.

Extradition is also to be granted for participation in any of the aforesaid crimes or offences, provided that such participation be punishable by the laws of both High Contracting Parties. That the said

Treaty was shortly thereafter duly ratified and thereafter proclaimed as law by the President of the United States of America, to-wit, on or about the 1st day of January, 1932 and has ever since been and is now the law.

#### VI.

That participation in the crimes set forth in Paragraph V of this Complaint is punishable both by the laws of Great Britain and by the laws of the United States of America and the State of California.

#### VII.

That the said Accused Alex Graham (otherwise Strakosch) is accused of the following crimes and offences, to-wit:

1. Fraudulent conversion.
2. Obtaining money, valuable securities or goods by false pretenses.

That the said crimes and offences were committed within the territory of His Britannic Majesty, to-wit: in Great Britain at various times and places between the dates of February 8th, 1935 and the [39] 9th day of December, 1936, both inclusive.

#### VIII.

That it further appears from the said depositions as follows:

That the general scheme of the frauds perpetrated by the Accused and his associates was as follows:

That Accused and his associates purchased the business, good-will and name of reputable outside

stock-brokers, being firms which had been established over a number of years and which had a number of clients who had done business with them satisfactorily in the past and had full confidence in them. The names of the two said firms which they purchased are Maclean & Henderson of Stirling, Scotland and S. R. Bunt & Co., of London, England. Having acquired the above mentioned businesses, they proceeded to communicate by letter or telephone and circular with the old clients of the said two firms. They advised the said clients to purchase stocks which were substantial and well recognized stocks and having obtained money or stocks to convert into money from the said clients for the purpose of purchasing such stocks, they would then advise them to change over from the stocks first recommended and purchase stocks in companies which were merely paper companies set up for the purposes of the frauds which were subsequently perpetrated by the Accused and his associates, which companies had practically no assets and the shares in which were valueless, to the knowledge of the Accused and his associates; falsely representing to the said clients that they honestly believed that said stocks so recommended by them to be purchased by the said clients were valuable, well-recognized stocks and good and sound investments, well knowing to the contrary that they were absolutely valueless.

That the Accused and his Associates would then keep the money and stocks sent to them as afore-

said by the said clients and convert same to their own use. That said clients never received [40] any consideration for the money and stocks turned over to said Accused and his associates.

That the exact particulars of the said frauds are set out in the charges in the said Warrant.

### IX.

That the said Accused, Alex Graham (otherwise Strakosch) has now been found within the United States of America and is a fugitive from justice therein.

Wherefore, Complainant prays that the said Commissioner do certify that he deems the evidence sufficient to sustain the said charges under the said Treaty, together with a copy of all the testimony taken before him to the Secretary of State, that a Warrant may issue upon the requisition of the proper authorities of the Government of Great Britain for the surrender of said Accused according to the stipulations of the said Treaty; and that the said Commissioner do issue his Warrant for the commitment of the said Accused so charged to the proper jail until such surrender shall be made.

FRANCIS E. EVANS,

British Consul at Los Angeles, California.

Subscribed and Sworn to before me this 16th day of November, 1937.

DAVID B. HEAD,

United States Commissioner.

S. T. HANKEY,

Attorney for British Consul. [41]

I, David B. Head, the Commissioner before whom the within complaint was verified, do hereby certify the foregoing to be a full, true and correct copy of the original affidavit of amended complaint, filed on the 16th day of November, 1937, as the same remains of record in my offices at Los Angeles, Southern District of California.

In Testimony Whereof, I have hereunto set my hand and seal at Los Angeles, Southern District of California, this 16th day of November, 1937.

DAVID B. HEAD,

United States Commissioner, Southern District of California. [42]

Exhibit A

WARRANT

To each and all of the Constables of the Police Force for the City of London and the Liberties thereof, and to all other Constables and Peace Officers in the said City and Liberties.

City of London To-wit.—

Whereas

Stanley Grove Spiro

Late of 5. Suffolk Street. Pall Mall. London S. W. 1. and of Alex Graham (otherwise Strakosch—) late of 5 Suffolk Street. Pall Mall, London, S. W. 1, (hereinafter called the “Accused”,) have this day been charged upon Oath before the undersigned, one of the Aldermen of the City of London, being one of His Majesty’s Justices of the

Peace in and for the said City and the Liberties thereof, for that the said Accused, in the said City, on the eighth day of February 1935 with intent to de-

(a)

fraud did cause or procure to be delivered by John Henry *Truner* to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of MacLean & Henderson, certain valuable securities, to-wit, 300 shares in the London & Manchester Assurance Co. Ltd. of the value of £5, 757-10-0, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, and that the said £100 notes were then worth £107-10-0.

Contrary to section 32 (1) of the Larceny Act, 1916.

(b)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 17th day of June, 1935, in the City of London, with intent to defraud, did cause or procure to be delivered by Reginald Harry East to



Macleane & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 500 Associated British Pictures Preference shares, 1,000 Barclay Perkins & Co., Ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/ 6d. shares, 300 Daily Mirror Newspaper 3% Preference shares, 300 Framlin's Ltd. Ordinary shares, 1,000 Gamage Ordinary shares, 1,000 Gold Producers Fixed [43] Trust (1st Series) Sub-Units, 500 Great Universal Stores 5s/- Ordinary Shares, 312 Ind Coope & Co Ordinary shares, £1,000 London County Council 4½% Stock, 600 Meux's Brewery Ordinary shares, 700 National Fixed Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary shares, 1,000 Tarkwa Banket West 1s/- shares, 400 Taylor Walker & Co. ordinary shares, and 1,050 Peter Walker & Robert Cain Ordinary shares, together of the value of £17,508-5-0 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that £100 Debentures in Brucefield Collieries Ltd., were a sound investment, and that they were then worth £100 and that 5½% £100 Notes of the Scottish Gas Utilities Corporation Ltd.

were a sound investment, and that the said £100 Notes were then worth £107-10-0.

Contrary to section 32 (1) of the Larceny Act, 1916.

(c)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 3rd day of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to-wit, £784, in order that they might apply it to the purchase of £800 Lipton Ltd., 4½% Debentures, did fraudulently convert the same to the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson.

Contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916.

(d)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 23rd day [44] of August, 1935, in the City of London, with intent to defraud, did cause or procure to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 1,060 Ever Ready Ltd. Ordinary shares, £1,108 4% Consols, £50 3½% War stock and £500, 2½% India

Stock, together of the value of £2,903,14-9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36. New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares.

Contrary to section 32 (1) of the Larceny Act, 1916.

(e)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 10th day of October, 1935, in the City of London, having received certain property, to-wit, a cheque for the payment of £1,000 for and on account of Peter Daniel, did fraudulently convert the same and the proceeds thereof to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson.

Contrary to section 20 (1) (iv) (b) of the Larceny Act, 1916.

(f)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 3rd day of August, 1936, in the City of London, with intent to defraud did cause or procure to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham

(otherwise Strakosch) and of Maclean & Henderson a certain valuable security, to-wit—a cheque for the payment of £88-0-6, by falsely pretending that the said firm of *Mac Lean & Henderson* then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares.

Contrary to section 32 (1) of the Larceny Act, 1916.

(g)

And Further for That They Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 10th day of October, 1936, in the City of London, with intent to defraud did cause or procure to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £300 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36. New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd., were a sound investment and increasing in value, and that they were then worth 7s/- a share.

Contrary to section 32 (1) of the Larceny Act, 1916. [45]

(h)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 20th day of October, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by John Cooper Russell to MacLean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 210 Hallamshire Coal Supplies shares, 100 Brooks & Doxey shares, 120 Tinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares, and 936 J. Compton Sons & Webb shares, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d. each.

Contrary to section 32 (1) of the Larceny Act, 1916.

(j)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 20th day of October, 1936, in the

City of London, with intent to defraud, did cause or procure to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £709-0-0, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d each,

Contrary to section 32 (1) of the Larceny Act, 1916.

(k)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 4th day of December, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by Francis Jackson to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co. a certain valuable security, to-wit, a cheque for the payment of [46] £2,975, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as in-

vestment brokers at 1 Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment, and they were then worth more than 8s/6d/ a share.

Contrary to section 32 (1) of the Larceny Act, 1916.

(1)

And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 9th day of December, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to-wit, a cheque for the payment of £170. by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1. Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5/- shares in the West African Mining Corporation Ltd. were a sound investment and they were then worth more than 8s/6d. a share.

Contrary to section 32 (1) of the Larceny Act, 1916.

These Are Therefore to Command You, in His Majesty's Name, forthwith to apprehend the said Accused, and to bring him before me, or some other of his Majesty's Justices of the Peace for the said City, at the Guildhall Justice Room in the said City, to answer unto the said Charge, and to be further dealt with according to Law.

Given under my Hand and Seal this 13th day of Sept. 1937. at the Guildhall Justice Room aforesaid.

H. TWYFORD,

Alderman, Justice of the Peace for the said City.

[47]

I, David B. Head, the Commissioner before whom the within complaint was verified, do hereby certify the foregoing to be a full, true and correct copy of the original affidavit of amended complaint, filed on the ..... day of ..... as the same remains of record in my offices at Los Angeles, Southern District of California.

In Testimony Whereof, I have hereunto set my hand and seal at Los Angeles, Southern District of California, this day of

DAVID B. HEAD,

United States Commissioner, Southern District of California. [48]



EXHIBIT E

United States of America—Southern District of  
California, Central Division, Before U. S. Com-  
missioner, David B. Head.

No. 5774

In the Matter of

UNITED STATES OF AMERICA, Ex Rel,  
FRANCIS E. EVANS, as British Consul for the  
Southern District of California and for Arizona,  
Complainant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who gives  
his true name as ALEXANDER STRAKOSCH,  
Accused.

WARRANT OF TEMPORARY COM-  
MITMENT.

The President of the United States of America,  
to the United States Marshal of the Southern Dis-  
trict of California, Central Division, and to his dep-  
uties, or to any or either of them, and to the keeper  
of the county jail of the County of Los Angeles, at  
Los Angeles, in the State of California, United  
States of America, Greeting:

I.

Whereas, on the 16th day of November, 1937,  
Francis E. Evans, His Britannic Majesty's Consul

at Los Angeles, California for the District of Southern California and Arizona, my permission having been first had and obtained, filed an Amended Complaint in which it was alleged that an Information had been filed by the Director of Public Prosecutions of Great Britain with Alderman Sir Harry Twyford Knight, one of his Majesty's Justices of the Peace for the City of London, England against the above named Accused on charges of crimes and offences against the Larceny Act of 1916 of Great Britain alleged to have been committed in [49] Great Britain between the dates of February 8th, 1935 and the 9th day of December, 1936, both inclusive, the particulars of which said charges are more particularly set forth in the said Amended Complaint.

## II.

And Whereas, on the filing of the said Information, supported by the depositions referred to in said Amended Complaint, a Warrant based thereon was issued by the said Justice for the arrest of the above named Accused.

## III.

And Whereas, on the 16th day of November, 1937, the said Accused (having been previously arrested upon a complaint filed by the United States Attorney) was brought before me and then and there stated that his true name was Alexander Strakosch.

IV.

And Whereas, to-wit, on the 16th day of November, 1937 I fixed the 30th day of November, 1937 as the date for hearing the evidence of the criminality of the said Accused.

V.

And Whereas, the crimes alleged and charged in said Amended Complaint are embraced in the Treaty for the Extradition of Criminals between the Government of Great Britain and the Government of the United States of America concluded between the High Contracting Parties on the 22nd day of December, 1931.

VI.

Now, Therefore, in the name and by the authority aforesaid:

These Are to Command You, the United States Marshal in and for the District of Southern California, Central Division, his deputies or any or all of them, to commit the said accused to the custody of the keeper of the county jail of Los Angeles, at Los Angeles, in the State of California, United States of America, and to leave with the said keeper of said jail a certified copy of this [50] writ;

And to Command You, the said United States Marshal, and each and all of his deputies, and you, the keeper of the said county jail, to receive and keep the said Accused, there to remain to abide my further order.

Witness my hand and seal this 16th day of November, 1937.

DAVID B. HEAD,

United States Commissioner duly appointed by the District Court of the United States of America for the Southern District of California to take acknowledgments of bail and affidavits in civil cases, pending in the courts of the United States of America pursuant to the acts of Congress in that behalf and also specially authorized by order of the District Court of the United States in and for the said Southern District of California duly made, given and entered, in said court pursuant to the act of Congress in that behalf, to act as Commissioner in and for said District in Extradition cases, between the United States and foreign countries. [51]

I, David B. Head, do hereby certify that the within Warrant of Temporary Commitment is a full, true and correct copy of the original Warrant of Temporary Commitment, filed on the 16th day of November, 1937, as the same remains of record in my office at Los Angeles, Southern District of California, Central Division.

In Testimony Whereof, I have hereunto set my hand and seal at Los Angeles, Southern District of California, this 16th day of November, 1937.

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United States Commissioner,  
Southern District of California,  
Central Division.

[52]

EXHIBIT F

United States of America, Southern District of California, Central Division, Before U. S. Commissioner, David B. Head.

No. 5774

In the Matter of

UNITED STATES OF AMERICA, Ex Rel,  
FRANCIS E. EVANS, as British Consul for the  
Southern District of California and for Arizona,  
Complainant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who gives  
his true name as ALEXANDER STRA-  
KOSCH,

Accused.

SECOND AMENDED COMPLAINT IN EXTRA-  
DITION ON CHARGE OF THE GOVERN-  
MENT OF GREAT BRITAIN.

Be It Remembered, that before David B. Head, the United States Commissioner, duly appointed by the District Court of the United States of America for the Southern District of California, Central Division, to take acknowledgments of bail and affidavits in civil cases pending in the courts of the United States of America, pursuant to the Acts of Congress in that behalf, and also specially authorized by order of the District Court of the United States in and for the said Southern District of California duly made, given and entered in said court pursuant to the Act of Congress in that behalf, to

act as Commissioner in and for said District in extradition cases, between the United States and foreign countries, personally appeared Francis E. Evans, who, being by him first duly sworn according to law, deposes and says:

That he is the duly qualified, commissioned and acting British Consul for the District of Southern California, comprising the Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo and Santa Barbara and Ven- [53] tura, and for the State of Arizona, located in the City of Los Angeles, County of Los Angeles, State of California, and as such British Consul is vested with full power and legal authority to represent the Government of Great Britain in the case of the extradition of Alex Graham (otherwise Strakosch), hereinafter mentioned:

That he makes this complaint and acts herein for and on behalf of the Government of Great Britain, and under and pursuant to the provisions of the Treaty of Extradition between the United States of America and Great Britain, concluded between the said High Contracting Parties on the 22nd day of December, 1931.

#### I.

That affiant is informed and believes and therefore alleges that an Information was filed by the Director of Public prosecutions of Great Britain with Alderman Sir Harry Twyford Knight, one of his Majesty's Justices of the Peace for the City of London, England, supported by the depositions of

Peter McIntyre Hunter, Luis Sancha, Agnes Elizabeth Payn, George William Baldwin, Leonard Peter Darsley, John Henry Turner, Reginald Harry East, Charles Wood, William Scott, John Cooper Russell, Frank Plater, Benjamin Waters, Frederick William Dove, Ruby Isabel Croucher, Rose Kathleen Watson, Ethel Mary Lowry, Alexander Michael Jones, Owen Wyatt Williams, George Edmund Walker Bridge, Francis Jackson, Charles Henry Row and Edwin Clayton, sworn before the said Justice on the 27th day of August, 1937, and the depositions of Claude Morse-Stephens, Francis Joseph Mildner, Peter Daniel, Thomas Gankerseer, Charles Walter Engel and May Lillian Phillips sworn before the said Justice on the 6th day of September, 1937, and the depositions of David Kerman and William Fothergill sworn before the said Justice on the 13th day of September, 1937, upon an application for a warrant for the arrest of one Stanley Grove Spiro and the above named Accused Alex Graham, otherwise Strakosch, both of 5 Suffolk Street, Pall Mall, London S.W.1, England, on charges of crimes and offences against the Larceny Act [54] of 1916 of Great Britain alleged to have been committed in Great Britain, particulars of which said charges are more particularly set forth in the Warrant hereinafter referred to as Exhibit A to this Complaint.

## II.

That on the filing of the said Information supported by the said depositions, a Warrant based

thereon was issued by the said Justice for the arrest of the said Stanley Grove Spiro and the above named Accused, Alex Graham (otherwise Strakosch).

### III.

That a true copy of the said Warrant is attached to this complaint and made a part hereof and marked Exhibit A thereto.

### IV.

That it appears from the said depositions that the following are provisions of the Criminal Law of Great Britain, to-wit:

Section 32 of the Larceny Act, 1916, by Subsection (1) provides that every person who by any false pretense with intent to defraud, obtains from any other person any chattel, money or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person, shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding five years.

Section 20 of the Larceny Act, 1916, by subsection (1) (iv) (a) provides that every person who being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; fraudu-



lently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof [55] shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

Section 20 of the Larceny Act, 1916, by sub-section (1) (iv) (b) provides that every person who having either solely or jointly with any other person received any property for or on account of any other person, fraudulently converts to his own use and benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

By Section 46 of the Larceny Act, 1916, "property" includes any description of real and personal property and all deeds and instruments relating to or evidencing the title or right to any property, and includes not only such property as has been in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged; and by the same section of the same Act "valuable security", includes any writing entitling or evidencing the title of any person to any share in any company, or any order or security for the payment of money.

## V.

That by a Treaty dated December 22nd, 1931, made between the United States of America and

Great Britain, relating to the extradition of criminals, it is provided, amongst other things, as follows:

**Article 1.**

The High Contracting Parties engage to deliver up to each other, under certain circumstances and conditions stated in the Present Treaty, those persons, who, being accused or convicted of any of the crimes or offences enumerated in Article 3, committed within the jurisdiction of the one Party, shall be found within the territory of the other Party.

[56]

**Article 3.**

Extradition shall be reciprocally granted for the following crimes or offences:

17. Fraud by a bailee, banker, agent, factor, trustee, director, member or public officer of any company, or fraudulent conversion.

18. Obtaining money, valuable security, or goods, by false pretenses; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.

Extradition is also to be granted for participation in any of the aforesaid crimes or offences, provided that such participation be punishable by the laws of both High Contracting Parties. That the said Treaty was shortly thereafter duly ratified and thereafter proclaimed as law by the President of the United States of America, to-wit, on or about the 9th day of August, 1932, and has ever since been and is now the law.

VI.

That participation in the crimes set forth in Paragraph V of this Complaint is punishable both by the laws of Great Britain and the laws of the United States of America, and the State of California.

VII.

That the said Accused Alex Graham (otherwise Strakosech) is accused of the following crimes and offences, to-wit:

1. Fraudulent conversion.
2. Obtaining money, valuable securities or goods by false pretenses.

That the crimes and offences were committed within the territory of His *Brittanic* Majesty, to-wit: in Great Britain at various times and places between the dates of February 7th, 1935 and the 2nd day of February, 1937, both inclusive. [57]

VIII.

That it further appears from the said depositions as follows:

That the general scheme of the frauds perpetrated by the accused and his associates was as follows:

That the Accused and his associates purchased the business, good-will and name of reputable outside stock-brokers, being firms which had been established over a number of years and which had a number of clients who had done business with them satisfactorily in the past and had full confidence in them. The names of the two said firms which they had purchased are Maclean & Henderson of Stirling,

Scotland, and S. R. Bunt & Co., of London, England. Having acquired the above mentioned businesses, they proceeded to communicate by letter or telephone and circular with the old clients of the said two firms. They advised the said clients to purchase stock which were substantial and well recognized stocks and having obtained money or stocks to convert into money from the said clients for the purpose of purchasing such stocks, they would then advise them to change over from the stocks first recommended and purchase stocks in companies which were merely paper companies set up for the purposes of the frauds which were subsequently perpetrated by the Accused and his associates, which companies had practically no assets and the shares in which were valueless, to the knowledge of the Accused and his associates; falsely representing to the said clients that they honestly believed that said stocks so recommended by them to be purchased by the said clients were valuable, well-recognized stocks and good and sound investments, well knowing to the contrary that they were absolutely valueless.

That the Accused and his Associates would then keep the money and stocks sent to them as aforesaid by the said clients and convert same to their own use. That said clients never received any consideration for the money and stocks turned over to said Accused and his associates. [58]

#### VIII-A.

That it appears from the said depositions that the particulars of the crimes and offences against

the said Larceny Act 1916 of Great Britain committed by the said Accused are as follows:

(a) That said Accused and said Stanley Grove Spiro on or about the 8th day of February, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by John Henry Turner to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 300 shares in the London and Manchester Assurance Co. Ltd., of the value of £5,025, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, contrary to section 32 (1) of the Larceny Act, 1916,

(b) That the said Accused and said Stanley Grove Spiro, on or about the 17th day of June, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by Reginald Harry East to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 500 Associated British Pictures Pref-

erence shares, 1,000 Barclay Perkins & Co., Ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/6d. shares, 300 Daily Mirror newspaper 8% preference shares, 300 Fremlin's Ltd. Ordinary Shares, 1,000 Gamage Ordinary shares, 1,000 Gold Producers Fixed Trust (1st Series) Sub-units, 500 Great Universal Stores 5s/- Ordinary shares, 312 Ind Coope & Co. Ordinary shares, £1,000 London County Council 4½% stock, 600 Meux's Brewery Ordinary shares, 700 [59] County Council 4½% Stock, 600 Meux's Brewery Ordinary shares, 700 National Fixed Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary shares, 1,000 Tarkwa Banket West 1s/- shares, 400 Taylor Walker & Co. Ordinary shares, and 1,050 Peter Walker & Robert Cain Ordinary shares, together of the value of £17,000, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that £100 Debentures in Brucefield Collieries Ltd. were a sound investment, and that they were then worth £100, and that 5½% £100 Notes of the Scottish Gas Utilities Corporation, Ltd. were a sound investment, contrary to section 32 (1) of the Larceny Act, 1916.

(c-1) That the said Accused and said Stanley Grove Spiro, in or about the month of February,

1936, in the City of London, being entrusted by Reginald Harry East with certain property, to-wit, £791-19-6, in order that they might apply it to the purchase of 300 Great Universal Stores, Ltd. shares, fraudulently converted the same to the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916.

(c-2) That the said Accused and the said Stanley Grove Spiro, in the month of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to-wit £800 in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, fraudulently converted the same to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916. [60]

(d) That the said Accused and said Stanley Grove Spiro, in the City of London, with intent to defraud, caused or procured to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, on August 12th, 55 Nat. Canning Ord. of the value of £63.4.6; on the 23rd of August 1060 Ever Ready Ord of the value of £1152.12.0; £1180

4% Consols of the value of £1137.13.6, £50 3½% War Stock of the value of £52.5.9, £500 2½% India Stock of the value of £351.16.6; on Oct. 9th, 100 Bats 6% Pref. of the value of £143.11.6, 321 Bats. Ord. of the value of £1759.5.7; on Oct. 29th—Yorksh. Amalg. Prod. Deb/ of the value of £383.19.9, 850 Allied Newspaper Ord. of the value of £1269.10.0, 1000 Carbo Plaster Ord. of the value of £271.16.6, 500 Ideal Building 5% Cum. Pref. of the value of £434.6.6, 160 Brit. Shareholders Ord. of the value of £254.9.0, £650 Gaumont Brit. Deb. of the value of £599.13.0, 400 Thomas Tilling Ord. of the value of £1194.17.0, all of the total value of £9,271.1.10, and all in the year 1935 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the Larceny Act, 1916.

(e) That the said Accused and the said Stanley Grove Spiro on or about the 9th day of October, 1935, in the City of London having received certain property, to-wit, a cheque for the payment of £1,000 for and on account of Peter Daniel, fraudulently converted the same and the proceeds thereof to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (b) of the Larceny Act, 1916. [61]



(f) That the said Accused and the said Stanley Grove Spiro at some date between July 28th, 1936 and August 11th, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valueable security, to wit, a cheque for the payment of £88.0.6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, new Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the Larceny Act, 1916.

(g-1) That the said Accused and the said Stanley Grove Spiro, on or about the 3rd day of April 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £242-13-6 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the shares in Gold Reefs

of West Africa Ltd. were a sound investment and increasing in value, contrary to section 32 (1) of the Larceny Act, 1916.

(g-2) That the said Accused and the said Stanley Grove Spiro, on or about the 28th day of May, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) [62] and of Maclean & Henderson certain monies, to-wit, the sum of £375 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the shares in Gold Reefs of West Africa Ltd., were a sound investment and increasing in value, contrary to section 32 (1) of the Larceny Act, 1916.

(g-3) That the said Accused and the said Stanley Grove Spiro on or about the 1st day of December, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, two checks in the total amount of £375-3-6, by falsely pretending that the said firm

of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value, and that they were then worth 7s/- a share, contrary to section 32 (1) of the Larceny Act, 1916.

(h) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by John Cooper Russell to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 210, Hallamshire Coal Supplies shares, 100 Brooks & Doxey shares, 120 Tinsley Park Colliery shares, 1,515 Wigan Coal & Iron [63] shares, and 936 J. Compton Sons & Webb shares, of a total value of £7,032.0.0 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the Larceny Act. 1916.

(j-1) That the said Accused and the said Stanley Grove Spiro, in or about the month of May, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £232.1.0, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the Larceny Act, 1916.

(j-2) That the said Accused and the said Stanley Grove Spiro, on or about the 31st day of August, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £158.3.6 by falsely pretending that the said firm of Maclean & Henderson [64] then was carrying on an honest

and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd., were a sound investment, and that they were then worth 7/4½ each, contrary to section 32 (1) of the Larceny Act, 1916.

(j-3) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the city of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £700.0.9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 7/4½ each, contrary to section 32 (1) of the Larceny Act, 1916.

(k-1) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the City of London, with intent to de-

fraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to-wit, a check for the payment of £337.8.6, by falsely pretending that the said firm of S. R. Bunt & Co., then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa were then worth [65] at least 6/3 a share, contrary to section 32 (1) of the Larceny Act, 1916.

(k-2) That the said Accused and the said Stanley Grove Spiro on or about the 4th day of November, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt and Co., a certain valuable security to-wit, a cheque for the payment of £795, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1 Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West

African Mining Corporation Ltd. were a sound investment, and that they were then worth at least 8s/6d a share, contrary to section 32 (1) of the Larceny Act. 1916.

(k-3) That the said Accused and the said Stanley Grove Spiro, on or about the 1st day of February, 1937, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. E. Bunt & Co., a certain valuable security, to-wit, a check for the payment of £2,975, by falsely pretending that the said firm of S. R. Bunt & Co., then was carrying on an honest and genuine business as investment brokers at 1 Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation Ltd., were a sound investment, and that they were then worth at least 8s/6d a share, contrary to section 32 (1) of the Larceny Act, 1916. [66]

(l-1) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of

S. R. Bunt & Co. a certain valuable security, to-wit, a cheque for the payment of £202.13.6, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5/s- shares in Gold Reefs of West Africa were a sound investment and that they were then worth at least 6/3 a share, contrary to section 32 (1) of the Larceny Act, 1916.

(1-2) That the said Accused and the said Stanley Grove Spiro on or about the 9th day of November, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co. a certain valuable security, to-wit, a cheque for the payment of £170, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5s/- shares in the West African Mining Corporation Ltd., were a sound investment and they were then worth at least 8s/6d a share, contrary to section 32 (1) of the Larceny Act, 1916.



IX.

That the said Accused, Alex Graham (otherwise Strakosch) has now been found within the United States of America and is a fugitive from justice therein. [67]

Wherefore, Complainant prays that the said Commissioner do certify that he deems the evidence sufficient to sustain the said charges under the said Treaty, together with a copy of all the testimony taken before him to the Secretary of State, that a Warrant may issue upon the requisition of the proper authorities of the Government of Great Britain for the surrender of said Accused according to the stipulations of the said Treaty; and that the said Commissioner do issue his Warrant for the commitment of the said Accused so charged to the proper jail until such surrender shall be made.

FRANCIS E. EVANS,

British Consul at Los  
Angeles, California.

Subscribed and sworn to before me this 7th day  
of December, 1937.

DAVID B. HEAD,

United States Commissioner.

S. T. HANKEY,

Attorney for British Consul. [68]

## Exhibit A

## Warrant

To each and all of the Constables of the Police Force for the City of London and the Liberties thereof, and to all other Constables and Peace Officers in the said City and Liberties.

City of London to-wit.

Whereas Stanley Grove Spiro

Late of 5. Suffolk Street. Pall Mall. London S. W. 1. and of Alex Graham (otherwise Strakosch) late of 5 Suffolk Street. Pall Mall, London S. W. 1. (hereinafter called the "Accused",) have this day been charged upon Oath before the undersigned, one of the Aldermen of the City of London, being one of His Majesty's Justices of the Peace in and for the said City and the Liberties thereof, for that the said

(a) Accused, in the said City, on the eighth day of February 1935, with intent to defraud did cause or procure to be delivered by John Henry *Truner* to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 300 shares in the London & Manchester Assurance Co. Ltd. of the value of £5,757-10-0, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street E. C., and that the said firm then was pre-

pared to give honest advice as to the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, and that the said £100 notes were then worth £107-10-0.

Contrary to section 32 (1) of the Larceny Act, 1916.

(b) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 17th day of June, 1935, in the City of London, with intent to defraud, did cause or procure to be delivered by Reginald Harry East to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 500 Associated British Pictures Preferences shares, 1,000 Barelay Perkins & Co. Ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/6d. shares, 300 Daily Mirror Newspaper 3% Preference shares, 300 Framlin's Ltd. Ordinary shares, 1,000 Gamage Ordinary shares, 1000 Gold Producers Fixed Trust (1st series) Sub-units, 500 Great Universal Stores 5s/- Ordinary shares, 312 Ind Coope & Co. [69] Ordinary shares, £1,000 London County Council 4½% stock 600 Meux's Brewery Ordinary shares, 700 National Fixed Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary shares, 1,000 Tarkwa Basket West 1s/- shares, 400 Taylor Walker & Co. Ordinary shares, and 1,050 Peter Walker & Robert

Cain Ordinary shares, together of the value of £17,508-5-0 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36 New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that £100 Debentures in Brucefield Collieries, Ltd., were a sound investment, and that they were then worth £100, and that 5½% £100 Notes of the Scottish Gas Utilities Corporation Ltd. were a sound investment, and that the said £100 Notes were then worth £107-10-0.

Contrary to section 32 (1) of the Larceny Act, 1916.

(c) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 3rd day of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to-wit £784, in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, did fraudulently convert the same to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson.

Contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916. [70]

(d) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 23rd day of August, 1935, in the City of London, with intent to defraud, did cause or pro-

cure to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 1,060 Ever Ready Ltd. Ordinary shares, £1,108 4% Consols, £50 3½% War Stock, and £500, 2½% India Stock, together of the value of £2,903-14-9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares.

Contrary to section 32 (1) of the Larceny Act, 1916.

(e) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 10th day of October, 1935, in the city of London, having received certain property, to-wit a cheque for the payment of £1,000 for and on account of Peter Daniel, did fraudulently convert the same and the proceeds thereof to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson.

Contrary to section 20 (1) (iv) (b) of the Larceny Act, 1916.

(f) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strak-

osch) on the 3rd day of August, 1936, in the City of London, with intent to defraud did cause or procure to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson a certain valuable security, to-wit, a cheque for the payment of £88-0-6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares.

Contrary to section 32 (1) of the Larceny Act, 1916.

(g) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 10th day of October, 1936, in the City of London, with intent to defraud did cause or procure to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £300 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give

honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value and that they were then worth 7s/- a share.

Contrary to section 32 (1) of the Larceny Act, 1916. [71]

(h) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 20th day of October, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by John Cooper Russell to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 210, Hallamshire Coal Supplies shares, 100 Brooks & Doxey shares, 120 Tinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares, and 936 J. Compton Sons & Webb shares, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa, Ltd. were a sound investment, and that they were then worth 6s/3d, each.

Contrary to section 32 (1) of the Larceny Act, 1916.

(j) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 20th day of October 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by William Fothergill to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £709-0-0, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice, as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd., were a sound investment, and that they were then worth 6s/3d each.

Contrary to section 32 (1) of the Larceny Act, 1916.

(k) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 4th day of December, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by Francis Jackson to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co. a certain valuable security, to-wit, a cheque for the payment of [72] £2,975, by falsely pretending that



the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1. Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation, Ltd. were a sound investment, and that they were then worth more than 8s/6d. a share.

Contrary to section 32 (1) of the Larceny Act, 1916.

(1) And further for that they the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 9th day of December 1936, in the city of London, with intent to defraud, did cause or procure to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to-wit, a cheque for the payment of £170. by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1. Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment and they were then worth more than 8s/6d. a share.

Contrary to section 32 (1) of the Larceny Act, 1916.

These Are Therefore to Command You, in His Majesty's Name, forthwith to apprehend the said Accused and to bring him before me, or some other of His Majesty's Justices of the Peace for the said City, at the Guildhall Justice Room in the said City, to answer unto the said Charge, and to be further dealt with according to Law.

Given under my hand and seal this 13th day of September, 1937. at the Guildhall Justice Room aforesaid.

H. TWYFORD, Alderman,  
Justice of the Peace for the  
said City. [73]

I, David B. Head, the Commissioner before whom the within complaint was verified, do hereby certify the foregoing to be a full, true and correct copy of the original affidavit of amended complaint, filed on the            day of            as the same remains of record in my offices at Los Angeles, Southern District of California.

In testimony whereof, I have hereunto set my hand and seal at Los Angeles, Southern District of California this            day of

[Seal]

.....  
United States Commissioner  
Southern District of Cali-  
fornia. [74]

EXHIBIT G

United States of America, Southern District of  
California, Central Division, Before U. S. Com-  
missioner, David B. Head.

No. 5774

In the Matter of

UNITED STATES OF AMERICA,

Ex-Rel,

FRANCIS E. EVANS, as British  
Consul for the Southern District  
of California and for Arizona,

Complainant,

vs.

ALEX GRAHAM, alias STRAK-  
OSCH, who gives his true name as  
ALEXANDER STRAKOSCH,

Accused.

WARRANT OF COMMITMENT.

The President of the United States of America, to  
the United States Marshal of the Southern Dis-  
trict of California, Central Division, and to his  
deputies, or to any or either of them, and to the  
keeper of the county jail of the County of Los  
Angeles, at Los Angeles, in the State of Cali-  
fornia, United States of America, Greeting:

I.

Whereas, on the 14th day of October, 1937, Wil-  
liam Fleet Palmer, Assistant United States Attor-

ney for the Southern District of California, Central Division, filed a complaint in which it was alleged:

(a) That he acted for and on behalf of the Government of Great Britain; that the above named Accused was duly and legally charged with having committed the crime of obtaining money, valuable securities and other property by false pretenses;

(b) That the said Accused had fled outside the boundaries [75] of Great Britain. That a warrant for the arrest of the said Accused could not be served in Great Britain and that said Accused had sought an asylum within the jurisdiction of the United States and might be found in the State of California and the City of Los Angeles;

(c) That the said crime was among the offences enumerated in the Treaty existing between the United States and Great Britain proclaimed April 21st, 1901;

(d) That the said complaint prayed that a warrant might issue for the arrest of the said Accused charged as aforesaid. That he might be brought before a Commissioner or magistrate qualified to act in extradition matters, to the end that evidence of criminality might be heard.

(e) That the said crime of obtaining money, valuable securities and other property by false pretenses was more particularly referred to in Article I, Sec 11 of said Treaty.

And whereas, on the filing of said Complaint by said William Fleet Palmer, a warrant was issued by

me, David B. Head, as Commissioner for the Southern District of California, Central Division, and also a Commissioner specially authorized to act in and for said District in extradition cases, directed to any Marshal of the United States and to his deputies or any or either of them, commanding them in the name of the President of the United States of America to apprehend said Accused and bring his body before me, a United States Commissioner, appointed by the District Court of the United States for the Southern District of California, Central Division, and also a Commissioner appointed to act in and for said District in extradition cases, at my office in the City of Los Angeles, California, or before the nearest United States Commissioner, duly appointed and qualified in the jurisdiction in which the said Accused might be found, authorized to hear extradition cases, to the end that the evidence of his criminality might be heard and considered, and [76] that he might then and there be dealt with according to law, for the offences mentioned in said complaint and in said warrant.

### III.

And whereas, on the 14th day of October, 1937, the said Accused was arrested upon the said complaint, at which time he was brought before me.

### IV.

And whereas, on the 14th day of October, 1937, a warrant of Temporary Commitment was issued

by me as said Commissioner directed to the United States Marshal of the Southern District of California, Central Division and to his deputies, commanding them in the name of the President of the United States to receive the said Accused into their custody and safety and to keep the said Accused until he should be legally discharged.

#### V.

And whereas, on the 14th day of October, 1937, I fixed the 2nd day of November, 1937, as the date for hearing the evidence of the criminality of said accused.

#### VI.

And whereas, on the 2nd day of November, 1937, I made an order adjourning the date of hearing the evidence of the criminality of the said Accused until the 16th day of November, 1937;

#### VII.

And whereas, on the 16th day of November, 1937, on the application and request of counsel for the said Accused, I made an order adjourning the date of hearing the evidence of the criminality of the said Accused until the 30th day of November, 1937;

#### VIII.

And whereas, on the 16th day of November, 1937, with my consent, Francis E. Evans, his Britannic Majesty's Consul at Los Angeles, California, for the District of Southern California and Arizona,

filed an Amended Complaint before me as such Commissioner [77] in which it was (inter alia) alleged:

(a) That he had been informed and believed and therefore alleged that an Information had been filed by the Director of Public Prosecutions of Great Britain with Alderman Sir Harry Twyford Knight, one of his Majesty's Justices of the Peace for the City of London, England, supported by certain depositions sworn before the said Justice upon an application for a Warrant for the arrest of the said Accused Alex Graham, otherwise Strakosch and of one Stanley Grove Spiro, both of 5 Suffolk Street, Pall Mall, London S. W. 1, England, on charges of crimes and offences against the Larceny Act of 1916 of Great Britain alleged to have been committed in Great Britain, particulars of which said charges were more particularly set forth in the said Warrant;

(b) That a warrant was issued by the said Justice on the 13th day of September, 1937, for the arrest of the said Accused and the said Stanley Grove Spiro on charges of the following crimes and offences, to-wit:

1. Of obtaining money and valuable securities by false pretenses, and
2. On charges of fraudulent conversion;

(c) That the said crimes and offences were committed within the Territory of His Britannic Maj-

esty, to-wit, in Great Britain at various times and places between the dates of February 8th, 1935, and the 9th day of December, 1936, both inclusive.

(d) That the said crimes and offences were amongst those specified in the Treaty dated December 22nd, 1931, made between the United States of America and Great Britain, relating to the extradition of criminals.

(e) That the said Accused Alex Graham, otherwise Strakosch had now been found within the United States of America and was a fugitive from justice therein. [78]

#### IX.

And whereas, on the 16th day of November, 1937, the said Accused was brought before me, in the presence of S. T. Hankey, Esq., and F. J. Finucane, Esq., counsel for the said British Consul and Isidore B. Dockweiler, Esq. and Henry Dockweiler, Esq., counsel for the Accused, at which time said Accused gave his true name as Alexander Strakosch;

#### X.

And whereas, on the 16th day of November, 1937, a Warrant of Temporary Commitment was issued by me, David B. Head, as Commissioner for the Southern District of California, Central Division and also as a Commissioner specially authorized to act in and for said District in Extradition cases, directed to the United States Marshal of the Southern District of California, Central Division and to his deputies, commanding them in the name of



the President of the United States, to commit the said Accused to the custody of the keeper of the county jail of Los Angeles, at Los Angeles, in the State of California, United States of America, and to leave with the said keeper of said jail a certified copy of the writ and commanding the said United States Marshal and each and all of his deputies and the keeper of the said county jail, to receive and keep the said accused, there to remain to abide my further order.

### XI.

And whereas, on the 30th day of November, 1937, on the application and request of counsel for the said Accused, I made an order adjourning the date of hearing the evidence of the criminality of the said Accused until the 7th day of December, 1937;

### XII.

And whereas on the 7th day of December, 1937, with my consent the said British Consul filed a Second Amended Complaint before me as Such Commissioner in which it was (inter alia) alleged:

(a) That the said British Consul made said Second Amended [79] Complaint and acted therein for and on behalf of the Government of Great Britain and under and pursuant to the provisions of the Treaty of Extradition between the United States of America and Great Britain, concluded between the said High Contracting Parties on the 22nd day of December, 1931, which said Treaty was thereafter duly ratified and thereafter pro-

claimed as law by the President of the United States of America, to-wit, on or about the 9th day of August, 1932, and had ever since been and is now the law.

(b) That he had been informed and believed and therefore alleged that an Information had been filed by the Director of Public Prosecutions of Great Britain with Alderman Sir Harry Twyford Knight, one of his Majesty's Justices of the Peace for the City of London, England, supported by certain depositions sworn before the said Justice upon an application for a Warrant for the arrest of the said Accused Alex Graham, otherwise Strakosch and of one Stanley Grove Spiro, both of 5 Suffolk Street, Pall Mall, London, S. W. 1. England on charges of crimes and offences against the Larceny Act of 1916, of Great Britain alleged to have been committed in Great Britain, particulars of which said charges were more particularly set forth in the said Warrant;

(c) That a Warrant was issued by the said Justice on the 13th day of September, 1937, for the arrest of the said Accused and the said Stanley Grove Spiro on charges of the following crimes and offences, to-wit:

1. Of obtaining money and valuable securities by false pretenses,
2. On charges of fraudulent conversion;

(d) That the said crimes and offences were committed within the territory of His Britannic

Majesty, to-wit, in Great Britain at various times and places between the dates of February 7th, 1935 and the 2nd day of February 1937, both inclusive.

### XIII.

And whereas it was further alleged by the said British [80] Consul that it appeared from the said depositions that the particulars of the crimes against the said Larceny Act of 1916 of Great Britain which had been committed by the said Accused as aforesaid were as follows:

(a) That said Accused and said Stanley Grove Spiro on or about the 8th day of February, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by John Henry Turner to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 300 shares in the London and Manchester Assurance Co. Ltd., of the value of £5,025, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, contrary to section 32 (1) of the Larceny Act, 1916.

(b) That the said Accused and said Stanley Grove Spiro, on or about the 17th day of June, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by Reginald Harry West to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 500 Associated British Pictures Preference shares, 1,000 Barclay Perkins & Co. Ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/6d. shares, 300 Daily Mirror Newspaper 8% Preference shares, 300 Fremlin's Ltd. Ordinary shares, 1000 Gamage Ordinary shares, 1000 Gold Producers Fixed Trust (1st series) Sub-units, 500 Great Universal Stores 5s/- Ordinary shares, 312 Ind. Coope & Co. Ordinary shares, £1000 London [81] County Council 4½% stock, 600 Meux's Brewery Ordinary shares, 700 National Fixed Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary shares, 1,000 Tarkwa Banket West 1s/- shares, 400 Taylor Walker & Co. Ordinary shares and 1,050 Peter Walker & Robert Cain Ordinary shares, together of the value of £17,000, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks

and shares, and that £100 Debentures in Brucefield Collieries, Ltd. were a sound investment, and that they were then worth £100, and that 5½% £100 Notes of the Scottish Gas Utilities Corporation Ltd. were a sound investment, contrary to section 32 (1) of the Larceny Act, 1916.

(c-1) That the said Accused and said Stanley Grove Spiro, in or about the month of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to-wit, £791-19-6, in order that they might apply it to the purchase of 300 Great Universal Stores, Ltd. shares, fraudulently converted the same to the use and benefit of themselves, the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916.

(c-2) That the said Accused and the said Stanley Grove Spiro, in the month of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to-wit £800, in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, fraudulently converted the same to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916.

(d) That the said Accused and said Stanley Grove Spiro, in [82] the City of London, with in-

tent to defraud, caused or procured to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (other Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, on August 12th, 55 Nat. Canning Ord. of the value of £63.4.6; on the 23rd of August 1060 Ever Ready Ord. of the value of £1152.12.0; £1180 4% Consols of the value of £1137.13.6, £50 3½% War stock of the value of £52.5.9, £500 2½% India Stock of the value of £351.16.6; on Oct. 9th, 100 Bats 6% Pref. of the value of £143.11.6, 321 Bats. Ord. of the value of £1759.5.7; on Oct. 29th £ Yorksh. Amalg. Prod. Lab. Deb. of the value of £383.19.9, 850 Allied Newspaper Ord. of the value of £1269.10.0, 1000 Garbo Plaster Ord of the value of £271.16.6, 500 Ideal Building 5% cum. Pref. of the value of £434.6.6, 160 Brit. Shareholders Ord. of the value of £254.9.0, £650 Gaumont Brit. Deb. of the value of £599.13.0, 400 Thomas Tilling Ord. of the value of £1194.17.0, all of the total value of £9271.1.10, and all in the year 1935 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the Larceny Act, 1916.

(e) That the said Accused and the said Stanley Grove Spiro on or about the 9th day of October, 1935, in the City of London, having received certain property, to-wit a cheque for the payment of £1,000 for and on account of Peter Daniel, fraudulently converted the same and the proceeds thereof to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv) (b) of the Larceny Act, 1916.

(f) That the said Accused and the said Stanley Grove Spiro, at some date between July 28th, 1936, and August 11th, 1936, in the [83] City of London, with intent to defraud, caused or procured to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson a certain valuable security, to-wit, a cheque for the payment of £88.0.6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the Larceny Act, 1916.

(g-1) That the said Accused and the said Stanley Grove Spiro, on or about the 3rd day of April, 1936, in the City of London with intent to defraud, caused or procured to be delivered by William Scott

to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £242-13-6 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value, contrary to section 32 (1) of the Larceny Act, 1916.

(g-2) That the said Accused and the said Stanley Grove Spiro, on or about the 28th day of May, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson certain monies, to-wit, the [84] sum of £375 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value,



contrary to section 32 (1) of the Larceny Act, 1916.

(g-3) That the said Accused and the said Stanley Grove Spiro, on or about the 1st day of December, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, two checks in the total amount of £375-3-6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that the 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value, and that they were then worth 7s/- a share, contrary to section 32 (1) of the Larceny Act, 1916.

(h) That the said Accused and the said Stanley Grove Spiro on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by John Cooper Russell to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to-wit, 210, Hallamshire Coal Supplies shares, 100 Brooks & Doxey shares, 120 Tinsley Park Colliery

shares, 1,515 Wigan Coal & Iron shares, and 936 J. Compton Sons & Webb shares, of a total value of £7,032.0.0 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36 New Broad Street, [85] E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the Larceny Act 1916.

(j-1) That the said Accused and the said Stanley Grove Spiro, in or about the month of May, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £232.1.0 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the Larceny Act, 1916.

(j-2) That the said Accused and the said Stanley Grove Spiro, on or about the 31st day of August, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £158.3.6 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 7/4½ each, contrary to section 32 (1) of the Larceny Act, 1916. [86]

(j-3) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to-wit, a cheque for the payment of £700.0.9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New

Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and that they were then worth 7/4½ each, contrary to section 32 (1) of the Larceny Act, 1916.

(k-1) That the said Accused and the said Stanley Grove Spiro on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to-wit, a check for the payment of £337.8.6, by falsely pretending that the said firm of S. R. Bunt & Co., then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa were then worth at least 6/3 a share, contrary to section 32 (1) of the Larceny Act, 1916.

(k-2) That the said Accused and the said Stanley Grove Spiro, on or about the 4th day of November, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co., for the use

and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise [87] Strakosch) and of S. R. Bunt & Co., a certain valuable security, to-wit, a check for the payment of £795, by falsely pretending that the said firm of S. R. Bunt & Co., then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment, and that they were then worth at least 8s/6d a share, contrary to section 32 (1) of the Larceny Act, 1916.

(k-3) That the said Accused and the said Stanley Grove Spiro, on or about the 1st day of February, 1937, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to wit, a check for the payment of £2,975, by falsely pretending that the said firm of S. R. Bunt & Co., then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment, and that they were then worth at

least 8s/6d a share, contrary to Section 32 (1) of the Larceny Act 1916.

(1-1) That the said Accused and the said Stanley Grove Spiro, on or about the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to wit, a cheque for the payment of £202.13-6, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an [88] honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5s/-shares in Gold Reefs of West Africa were a sound investment and that they were then worth at least 6/3 a share, contrary to section 32 (1) of the Larceny Act 1916.

(1-2) That the said Accused and the said Stanley Grove Spiro, on or about the 9th day of November, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co., for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co., a certain valuable security, to wit, a cheque for the payment of £170, by falsely pretending that the said firm of S. R. Bunt & Co.,

then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment and they were then worth at least 8s/6d a share, contrary to section 32 (1) of the Larceny Act, 1916.

#### XIV.

And Whereas the said Second Amended Complaint having been regularly brought on for hearing before me, David B. Head as United States Commissioner for the Southern District of California, Central Division, of the United States of America, specially authorized by order of the District Court of the United States for the said District to perform all the duties of commissioner under the Extradition laws and Treaties of the United States in said District, and Francis E. Evans, the British Consul representing the Government of Great Britain, being represented by S. T. Hankey and F. J. Finucane, and the said Accused being represented by Isidore B. Dockweiler and Henry Dockweiler, on the 7th, 10th and [89] 13th days of December, 1937, and it appearing to me as such United States Commissioner from the evidence introduced that there are sufficient grounds to believe that the crimes charged in said Second Amended Complaint had been committed and that the said Accused is identified as both Alex Graham and Alexander Strakosch, the person

charged in the said Second Amended Complaint and that the said Alexander Graham or Alexander Strakosch is guilty of the crimes so alleged and charged in said second Amended Complaint and that since the date of the commission of said crimes he had fled into and is now within the Southern District of California, Central Division, in the United States of America and that all of the facts alleged and charged in said Second Amended Complaint are true and that he should be surrendered to the Government of Great Britain, part of the Domain of His Britannic Majesty for trial for the crimes so charged.

#### XV.

And Whereas the crimes alleged and charged in said Second Amended Complaint are embraced in the Treaty for the Extradition of Criminals made between the Government of Great Britain and the United States of America and dated December 22nd, 1931, and proclaimed as law by the President of the United States of America on the 9th day of August, 1932, providing for extradition on account of the crimes or offenses of fraudulent conversion and obtaining money, valuable securities, or goods by false pretenses.

#### XVI.

Now Therefore, in the name and by the authority aforesaid:

These Are To Command You, the United States Marshal in and for the Southern District of Cali-



fornia, Central Division, his deputies or any or all of them to commit the said Alex Graham, otherwise Alexander Strakosch to the custody of the keeper of the County Jail of Los Angeles, at Los Angeles, in the State of California, United States of America, and to leave with the said keeper [90] of said jail a certified copy of this writ;

And To Command You, the said United States Marshal, and each and all of his deputies, and you the keeper of the said County Jail, to receive and keep the said Alex Graham, otherwise Alexander Strakosch, there to remain, to abide the order of the Secretary of State of the United States of America.

Witness my hand and seal this 13th day of December, 1937.

DAVID B. HEAD,

United States Commissioner duly appointed by the District Court of the United States of America for the Southern District of California, Central Division to take acknowledgments of bail and affidavits in civil cases, pending in the courts of the United States of America, pursuant to the acts of Congress in that behalf and also specially authorized by the order of the District Court of the United States in and for the Southern District of California, Central Division, duly made, given and entered, in said court pursuant to the act of Congress in that behalf, to act as Commissioner in and for said District in Extradition cases between the United States and foreign countries. [91]

[Endorsed]: Filed Jan. 11, 1938. [92]

In the District Court of the United States in and  
for the Southern District of California, Central  
Division.

No. 13401-H.

In the Matter of the Petition of Alexander Stra-  
kosch for a Writ of Habeas Corpus.

STIPULATION.

It Is Hereby Stipulated By and Between Alexan-  
der Strakosch, the Above Named Petitioner and  
Francis E. Evans, the British Consul for the South-  
ern District of California and for Arizona, that the  
two calendar months referred to in Section 654 in  
Chap. 20 of U. S. C. within which any person com-  
mitted for extradition must be delivered up and  
conveyed out of the United States, shall not com-  
mence to run until the termination of the habeas  
corpus proceedings herein.

Dated: January 11th, 1938.

ISIDORE B. DOCKWEILER,  
FREDERICK C. DOCKWEILER,  
FRANK P. JENAL,

Attorneys for Petitioner.

S. T. HANKEY,  
F. J. FINUCANE,

Attorneys for the British Consul  
at Los Angeles.

[Endorsed]: Filed Jan. 13, 1938. [93]

[Title of District Court and Cause.]

TRAVERSE TO RETURN.

To the Honorable Harry A. Hollzer, Judge of the District Court of the United States, in and for the Southern District of California, Central Division:

Your Petitioner by way of traverse to the Respondent's Return herein respectfully alleges:

I.

That he realleges and incorporates herein each and every allegation contained in his Petition verified the 8th day of January, 1938; and

II.

That the denial contained in the said Return is only a conclusion of law and does not show facts sufficient to warrant the restraint, detention, and contemplated extradition of the said Alexander Strakosch by the Respondent;

Wherefore, it is respectfully submitted that the Writ should be sustained and Alexander Strakosch be discharged from the custody of the Respondent.

Dated at Los Angeles, California, this 15th day of January, 1938.

ISIDORE B. DOCKWEILER,  
FREDERICK C. DOCKWEILER,  
FRANK P. JENAL,

Attorneys for Petitioner.

(Verified Jan. 15th, 1938, Alexander Strakosch, Estelle M. Spencer, Notary. My commission expires Oct. 6, 1938.)

[Endorsed]: Filed Jan. 17, 1938. [95]

[Title of District Court and Cause.]

DEMURRER TO TRAVERSE.

To the Honorable Harry A. Hollzer, Judge of the District Court of the United States, in and for the Southern District of California, Central Division:

Comes now S. T. Hankey and F. J. Finucane, Counsel for the United States Marshal and for the British Consul at Los Angeles and demur to petitioner's Traverse on file herein as follows:

I.

That the said Traverse does not nor does any part thereof state facts sufficient to constitute a defense or a cause for relief herein.

II.

That the said Traverse on file herein alleges no facts which constitute a defense to the Return filed herein, nor does it allege any facts entitling petitioner to any relief on habeas corpus or otherwise.

III.

That the said Traverse attempts to incorporate allegation contained in petitioner's petition on file herein contrary to law.

IV.

That paragraph two of the Traverse on file herein is argumentative and unintelligible.

Wherefore, it is respectfully requested that the foregoing demurrer be sustained without leave to

amend and that petitioner be remanded into the custody of the Respondent herein to await [96] further proceedings herein by the Secretary of State.

Dated at Los Angeles, California, this 17th day of January, 1938.

S. T. HANKEY,  
F. J. FINUCANE,

Counsel for the United States Marshal and  
British Consul at Los Angeles.

Received copy of the within Demurrer this 18th day of January, 1938.

ISIDORE B. DOCKWEILER,  
HENRY DOCKWEILER,  
FRANK JENAL.

[Endorsed]: Filed Jan. 18, 1938. [97]

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[Title of District Court and Cause.]

MOTION TO DISMISS.

To the Honorable Harry A. Hollzer, Judge of the District Court of the United States, in and for the Southern District of California, Central Division:

Comes now S. T. Hankey and F. J. Finucane, Counsel for the United States Marshal and for the British Consul at Los Angeles and moves for dismissal of the writ of Habeas Corpus heretofore granted herein as follows:

## I.

Petitioner's Traverse on file herein should be dismissed as it incorporates a document, which is *functus officio*. Further that the Traverse herein is argumentative, alleges no new facts and further fails to controvert any of the allegations contained in said Return on file herein.

## II.

That said Traverse alleges no new facts and denies no facts under oath controverting the Return heretofore made herein, and is merely argumentative, raises no issue before the Court, and therefore should be dismissed.

Wherefore, it is respectfully requested that the Writ be discharged, and petitioner remanded into the custody of the United States Marshal to await further order of the Secretary of State.

Dated at Los Angeles, California, this 17th day of January, 1938.

S. T. HANKEY,

F. J. FINUCANE, [98]

Counsel for the United States Marshal and  
British Consul at Los Angeles.

Received copy of the within Motion this 18th day of January, 1938.

ISIDORE B. DOCKWEILER,

HENRY DOCKWEILER,

FRANK JENAL,

By Mc.

POINTS AND AUTHORITIES.

I.

That the petition is *functuous offico* and cannot thereafter become a basis for a pleading or for an incorporation for reference.

In Re Delgado, 107 Cal. App. 689 (1930).

In Re Collins, 151 Cal. App. 340.

II.

Generally, on what the Traverse must contain and issues raised thereby see:

137 U. S. 86

210 U. S. 100

289 U. S. 412

116 U. S. 80

289 U. S. 412

20 Fed. 2nd 302

21 Pac. 2nd 132

I hereby certify that the foregoing pleading is filed in good faith, not for the purpose of delay, and in my opinion, it is well taken.

F. J. FINUCANE,

[Endorsed]: Filed Jan. 18, 1938. [99]

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[Title of District Court and Cause.]

NOTICE OF MOTION TO DISMISS.

To Petitioner Alexander Strakosch and to Isidore Dockweiler, Henry Dockweiler, and Frank Jenal His Attorneys:

You and each of you will please take notice that Respondent's Motion to Dismiss will be heard in

the above entitled court on Monday, January 21st,  
at 10 a. m.

Dated at Los Angeles, California, this 19th day  
of January, 1938.

S. T. HANKEY,  
F. J. FINUCANE.

Received copy of the within Notice this 19th day  
of January, 1938.

ISIDORE B. DOCKWEILER,  
For Self and All Other Counsel  
for Petitioner Strakosch.

[Endorsed]: Filed Jan. 19, 1938. [100]

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[Title of District Court and Cause.]

MEMORANDUM OF CONCLUSIONS,

Judge Hollzer, March 18, 1938.

It appearing that on the 14th day of October, 1937, a complaint was filed through the office of the U. S. Attorney for the Southern District of California against the petitioner herein for the purpose of securing a warrant for the arrest of petitioner and conducting a hearing before the U. S. Commissioner upon charges of alleged criminality on the part of petitioner, to the end that petitioner be extradited for trial in Great Britain, that by leave of the U. S. Commissioner for Los Angeles County a first amended complaint was thereafter filed, and that by



leave of said Commissioner a second amended complaint was subsequently filed, and that no objection was interposed by petitioner to the filing of either of said amended complaints, and

It further appearing that a hearing was conducted before said Commissioner upon said second amended complaint, that the evidence presented at said hearing consisted solely of the following documents, etc. to-wit: a copy of a certain Information of the Director of Public Prosecutions against one Stanley Grove Spiro and one Alex Graham (otherwise Strakosch) the latter being the petitioner herein, also copies of certain depositions and exhibits referred to therein and also a duplicate [101] original warrant of arrest, all duly certified and properly attested, and

It further appearing that by said Information, subdivision (a) thereof, it is charged that petitioner and said Spiro on February 8, 1935, with intent to defraud, did cause or procure to be delivered by John Henry Turner to Maclean & Henderson, for the use and benefit of themselves and of Maclean & Henderson certain valuable securities by falsely pretending that said firm of Maclean and Henderson was then carrying on an honest and genuine business as investment brokers and was then prepared to give honest advice as to the purchase and sale of stocks and shares and that certain securities of Scottish Gas Utilities Corporation Limited were a sound investment and worth a certain sum, and

By said Information, subdivision (b) thereof, it is charged that petitioner and said Spiro on June 17,

1935, with intent to defraud, did cause or procure to be delivered by Reginald Harry East to Maclean & Henderson for the use and benefit of themselves and of said Maclean & Henderson, certain valuable securities, by similar false pretenses, and

By said Information, subdivision (c) thereof, it is charged that petitioner and said Spiro on February 3, 1936, being entrusted by Reginald Harry East with £784 in order that they might apply the same to the purchase of £800 Lipton Ltd. 4½% Debentures, did fraudulently convert the same to a similar use and benefit, and

By said Information, subdivision (d) thereof, it is charged that petitioner and said Spiro on August 23, 1935, with intent to defraud, did cause or procure to be [102] delivered by Peter Daniel to Maclean & Henderson for a similar use and benefit certain valuable securities, by similar false pretenses, and

By said Information, subdivision (e) thereof, it is charged that petitioner and said Spiro on October 10, 1935, having received a check for the payment of a certain sum of money for and on account of Peter Daniel, did fraudulently convert the same and the proceeds thereof to a similar use and benefit, and

By said Information, subdivision (f) thereof, it is charged that petitioner and said Spiro on August 3, 1936, with intent to defraud did cause or procure to be delivered by Frank Plater to Maclean & Henderson for the use and benefit of themselves

and said Maclean & Henderson, a check for the payment of a certain sum of money by similar false pretenses, and

By said Information, subdivision (g) thereof, it is charged that petitioner and said Spiro on October 10, 1936, with intent to defraud did cause or procure to be delivered by William Scott to Maclean & Henderson for a similar use and benefit a check for the payment of a certain sum of money, by similar false pretenses, and

By said Information, subdivision (h) thereof, it is charged that petitioner and said Spiro on October 20, 1936, with intent to defraud did cause or procure to be delivered by John Cooper Russell to Maclean & Henderson, for a similar use and benefit, certain valuable securities by similar false pretenses, and

By said Information, subdivision (j) thereof, it is charged that petitioner and said Spiro on October 20, 1936, with intent to defraud did cause or procure to be delivered [103] by William Fothergill to Maclean & Henderson, for a similar use and benefit, a check for the payment of a certain sum of money, by similar false pretenses, and

By said Information, Subdivision (k) thereof, it is charged that petitioner and said Spiro, on December 4, 1936, with intent to defraud did cause or procure to be delivered by Francis Jackson to S. R. Bunt & Co., for the use and benefit of said S. R. Bunt and Co. and themselves, a check for the payment of a certain sum of money, by falsely pretending that said firm of S. R. Bunt & Co. then was

carrying on an honest and genuine business as investment brokers, and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment, and that they were then worth more than 8s/6d a share, and

By said Information, subdivision (1) thereof, it is charged that petitioner and said Spiro on December 9, 1936, with intent to defraud did cause or procure to be delivered by Charles Henry Row to S. R. Bunt & Co., for a similar use and benefit, a check for the payment of a certain sum of money, by similar false pretenses, and

It further appearing that by said second amended complaint it is charged in Paragraph VIII a thereof as follows:

In subdivision (a) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (a) of said Information;

In subdivision (b) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (b) of said Information;

[104]

In subdivision (c-1) thereof it is alleged that petitioner and said Spiro in the month of February, 1936, being entrusted by Reginald Harry East with £791.19.6 to buy 300 Great Universal Stores Ltd. shares, did fraudulently convert the same to the use and benefit of themselves and of Maclean & Henderson;

In subdivision (c-2) thereof it is alleged that petitioner and said Spiro in the month of February, 1936, being entrusted by Reginald Harry East with £800 in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, fraudulently converted the same to the use and benefit of themselves and of Maclean & Henderson;

In subdivision (d) thereof it is alleged that petitioner and said Spiro with intent to defraud caused or procured to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves and of Maclean & Henderson on August 12th, 55 Nat. Canning Ord. valued at £63.4.6; on August 23rd 1060 Ever Ready Ord. valued at £1152.12.0; £1180 4% Consols valued at £1137.13.6; £50 3½% War Stock valued at £52.5.9; £500 2½% India Stock of the value of £351.16.6; on October 9th, 100 Bats 6% Pref. of the value of £143.11.6, 321 Bats. Ord. of the value of £1759.5.7; on Oct. 29th £ Yorksh. Amalg. Prod. Deb. of the value of £383.19.9, 850 Allied Newspaper Ord. of the value of £1269.10.0, 1000 Carbo Plaster Ord. of the value of £271.16.6, 500 Ideal Building 5% Cum. Pref. of the value of £434.6.6, 160 Brit. Shareholders Ord. of the value of £254.9.0, £650 Gaumont Brit. Deb. of the value of £599.13.0, 400 Thomas Tilling Ord. of the value of £1194.17.0, all of the total value of £9,271.1.10, [105] all in the year 1935 by falsely pretending that said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers and then was prepared

to give honest advice as to the purchase and sale of stocks and shares.

In subdivision (e) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (e) of said Information.

In subdivision (f) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (f) of said Information, except that the date when the offense is alleged to have been committed is specified as being between July 28 and August 11, 1936.

In subdivision (g-1) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (g) of said Information, except that the check is described as being in a different amount, to-wit, £242.13.6. and the date when the offense is alleged to have been committed is specified as being April 3, 1936.

In subdivision (g-2) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (g) of said Information, except that the property alleged to have been procured by them consisted of moneys to-wit, £375 and the date when the offense is alleged to have been committed is May 28, 1936.

In subdivision (g-3) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (g) of said Information, except that the property alleged to have been procured by them is described as two checks totalling

£375.3.6. and the date when the offense is alleged to have been committed is December 1, 1936. [106]

In subdivision (h) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (h) of the Information.

In subdivision (j-1) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (j) of said Information, except that the amount of the check involved is £232.1.0. and the date when the offense is alleged to have been committed is May, 1936.

In subdivision (j-2) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (j) of said Information, except that the amount of the check involved is £158.3.6., and the date when the offense is alleged to have been committed is August 3, 1936.

In subdivision (j-3) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (j) of said Information, except that the amount of the check involved is £700.0.9., and the value of new securities recommended to be bought is alleged to be 7/4½ each.

In subdivision (k-1) thereof the petitioner and said Spiro are accused of committing the offense described in subdivision (k) of said Information, except that the date when the offense is alleged to have been committed is specified as October 20, 1936, and the amount of the check involved is £337.8.6. and except that the new securities recommended to be bought are described as Gold Reefs of West Africa.

In subdivision (k-2) thereof the petitioner and said Spiro are accused of committing the offense described in [107] subdivision (k) of said Information, except that the date when the offense is alleged to have been committed is specified as November 4, 1936, and the amount of the check involved is £795.

In subdivision (k-3) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (k) of said Information, except that the date when the offense is alleged to have been committed is specified as February 1, 1937.

In Subdivision (l-1) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (l) of said Information except that the date when the offense is alleged to have been committed is specified as October 20, 1936, and the amount of the check involved is £202.13.6. and except that the new securities recommended to be bought are described as Gold Reefs of West Africa.

In subdivision (l-2) thereof, the petitioner and said Spiro are accused of committing the offense described in subdivision (l) of said Information, except that the date when the offense is alleged to have been committed is specified as November 9, 1936.

It further appearing from the depositions hereinafter mentioned that evidence was introduced at said hearing before the Commissioner to the following effect, to-wit:



According to the deposition of Peter M. Hunter, the deponent had been a member of the firm of Maclean & Henderson, that in 1934 he sold the business of said firm to said Spiro and a party known as Elphinstone, the purchase being made in the name of Elphinstone. [108]

According to the deposition of Luis Sancha, the deponent had rented certain premises at 36 New Broad Street, to a firm known as Maclean & Henderson, first meeting said Spiro accompanied by petitioner and later meeting Elphinstone who said he was the proprietor of the business.

According to the deposition of Agnes E. Payn, an official in the office of the Registry of Business Names, Chansitor House, Chancery Lane, W. C. 2, the records of this office show that the firm of Maclean & Henderson was registered on August 21, 1935, by Elphinstone, that business commenced October, 1934, the place of business was 36 New Broad Street, E. C., that notice was given of cessation of business as from October 10, 1936; these records also show that the firm of S. R. Bunt & Co. was first rebistered March 20, 1917, by S. R. Bunt, later, on March 7, 1936, a certificate was issued to Samuel Taylor, and the address of the business was given as 1 Royal Exchange Avenue, E. C., that notice was given of cessation of business by Taylor, December 10, 1936, stating business ceased November 26, 1936.

According to the deposition of George W. Baldwin, an official in the office of the Commissioner of Crown Lands, the records of this office show that

said Spiro by assignment dated May 8, 1931, acquired the lease of 5 Suffolk Street, Pall Mall, S. W., that said lease expired in October, 1933, and another one was granted for seven years, that the rent was usually paid with an Anglo African Corporation check, one check being drawn by S. Taylor.

According to the deposition of Leonard P. Dar-  
sley, an official in the Registry of Companies, the records of this office show with respect to Anglo African Corporation Ltd. [109] that the same was incorporated in 1902, that from time to time its capital was increased and various changes were made in its directors, that on August 14, 1931, its office was changed to 5 Suffolk Street, that under date of May 3, 1934, notice was given of the addition of Samuel Taylor as director.

Likewise, according to the same deponent, these records show with respect to Scottish Gas Utilities Corporation Ltd., that the same was incorporated in 1932 with its office at 5 Suffolk Street, that from time to time its capital was increased and various changes were made in its directors, that the total number of its issued shares amounted to 70,002, of which 7,000 shares were allotted to petitioner, that the return of directors dated May 3, 1934, listed four directors, one of whom was Samuel Taylor who at one time held 11,000 shares and subsequently held 22,000 shares and that this company was liquidated February 22, 1937.

Likewise, according to the same deponent these records show with respect to Gold Reefs of West

Africa Ltd. that the same was incorporated November 1, 1934, and that its capital was increased from £1000 to £100,000, that a return dated February 26, 1936, stated the total number of shares then outstanding amounted to 85,107, that later 21,000 additional shares were issued and that it had various directors. Likewise, according to the same deponent, these records show with respect to West African Mining Corporation, that the same was incorporated November 2, 1936, that its capital was originally £1,000 in 4,000 5/s- shares, that on November 23, 1936, its capital was increased to £200,000 by the creation of 796,000 5/s- shares, [110] and that a return filed January 11, 1937, stated that 170,000 shares were allotted to **R. I. Hickman**.

According to the deposition of Francis J. Mildner, a printer, deponent called on petitioner at the office of Maclean & Henderson and received from petitioner an order for printing on behalf of said firm about the end of 1934, that subsequently several persons gave deponent orders for printing on behalf of said firm, that as a rule petitioner paid deponent; that the latter knew Samuel Taylor who gave deponent orders for Scottish Gas Utilities Corporation, Ltd., and paid for the same in cash; that Taylor asked deponent to do printing for S. R. Bunt & Co. and his name appeared as proprietor of that firm; deponent saw said Spiro fairly frequently at 5 Suffolk Street, where he gave deponent orders.

According to the deposition of John H. Turner, deponent had been doing business since 1897 with

Macleaen & Henderson, that on February 6, 1935, one J. Elphinstone called on deponent, recommended the purchase of Scottish Gas Utilities Corporation Ltd. Debentures and induced deponent to sell 300 London and Manchester Life Assurance Co. shares and purchase Scottish Gas Utilities Corporation Ltd. Debentures to the amount of £5,300.

Likewise according to the same deponent, the latter at the end of March conferred with Elphinstone at 36 New Broad Street and thereafter on the same day and at the latter's request conferred with Samuel Taylor at 5 Suffolk Street concerning these Scottish Gas Utilities Corporation Securities.

According to the deposition of Reginald H. East, this [111] deponent early in 1935 began to receive a copy of "Weekly Financial Review" from Macleaen & Henderson, that on June 17, 1935, he was visited by a party named Royston, representing Macleaen & Henderson, who advised deponent to sell certain securities and recommended that the latter put the proceeds into Scottish Gas Utilities Corporation Ltd., and Brucefield Collieries Ltd., that deponent instructed Royston to sell securities to the value of £17,000 and to invest the proceeds in these two concerns, that deponent's securities were sold and he received Scottish Gas Utilities Corporation Ltd. 5½% notes to the nominal value of £6500 and a certificate for £10,245 Brucefield Collieries Ltd. Debentures, that he had received no interest on the latter securities since February, 1936;

According to this same deponent, in February, 1936, he instructed Maclean & Henderson to buy for his account 800 Lipton Ltd. 4½% Debenture stock for which he paid by sale of shares held by them, but never received a certificate for this stock although he was given a note purporting to show such purchase; that a little later, deponent instructed Maclean & Henderson to buy 300 Great Universal Stores Ltd. shares for which he paid but received no certificate respecting the same although he was given a note purporting to acknowledge such purchase; that he received letters from Maclean & Henderson stating they had purchased these shares through S. R. Bunt & Co., that they were bringing pressure to bear on the latter for delivery, that they were prepared to institute legal proceedings against S. R. Bunt & Co., and later stating that the latter had sent to Maclean & Henderson a check covering the amount involved, and finally stating that Maclean & Henderson would send [112] their own check, but no check was received by deponent;

According to this same deponent, he lost through his dealings with Maclean & Henderson in all about £19,000 and that the shares which he gave to Maclean & Henderson on June 17, 1935, were as follows: (Same as more particularly described and at the times specified in subdivision (b) of paragraph VIII-A of the second amended complaint.)

According to the deposition of Peter Daniel, this deponent in the summer of 1935 received from time to time a paper called "Financial Review" from

Macleam & Henderson, also received a letter dated July 26, 1935, and later that month deponent was visited by a man who gave his name as Royston but whose true name was Spiro, one of the defendants herein. Deponent discussed with Spiro the matter of making investments and from time to time deponent handed over certain securities to Spiro, received notes that they had been sold; on August 23, 1935, deponent received a note purporting to show that Spiro had purchased £2,830 Brucefield Collieries Debentures on deponent's behalf, later Spiro said this company was a new concern and that the Debentures were perfectly safe but no certificate for these debentures was given to deponent.

According to this same deponent, on or after August 23, 1935, Spiro sold further shares on behalf of deponent who sent a check for £1000 to purchase further securities; by October 29, 1935, Spiro held on behalf of deponent a total of £10,271.1.10; deponent received notes acknowledging that Spiro had made the following purchases with moneys paid to Maclean & Henderson, to-wit, on October 9, 1935, 2,200 Chartered shares costing £2,902.8.6; on October 29, 1935, British Oil Cake 10% Preference shares also 10 Fine Cotton Spinners Debentures, also 10 English Electric Debentures, also 10 Dormen Long Debentures, all of said purchases at the total [113] cost of £7,377.13.0, but deponent received no certificate for the same.

According to this same deponent, Spiro told him that if he rang up Maclean & Henderson and was

unable to get in touch with Spiro he was to ask for petitioner and deal with no one else; that early in December, 1935, he telephoned to Maclean & Henderson and spoke to petitioner who said that the certificates were often held up; later deponent obtained judgment for £10,551 but received only £500 out of that amount;

According to this same deponent he sent securities to Spiro for sale as follows: (Same as more particularly described and at the times specified in subdivision (d) of paragraph VIII-A of the second amended complaint); also that on October 9, he gave to Maclean & Henderson cash in the amount of £1000.0.0;

According to the deposition of William Scott, this deponent on April 3, 1936, received a telephone call from the London office of Maclean & Henderson, on which occasion a party giving the name of Richards advised him to purchase shares in Associated Electrical Industries, and accordingly the latter sent his check for £242.13.6 to purchase 100 shares. On April 22, 1936, during another telephone conversation with Richards, the latter advised deponent to sell those shares and to reinvest in Gold Reefs of West Africa shares. Relying upon the representations then made deponent agreed to the sale of his Associated Electric Industries shares and to reinvesting the proceeds in 185 Gold Reefs of West Africa shares. Later, on Richards' advice deponent bought Imperial Chemical Shares and toward the

end of May, 1936, on his advice, sold these shares and reinvested the proceeds on May 28, 1936, in 1200 Gold Reefs of West Africa shares. [114]

According to this same deponent in August, 1936, he received a letter from Robert Irving and Co. offering to buy these last mentioned shares, and upon writing to Maclean & Henderson concerning this letter was advised on the telephone by them not to accept the offer. In September and October, 1936, Richards telephoned to deponent urging him to purchase additional Gold Reefs of West Africa shares, and accordingly the latter agreed to buy 1060 more shares and paid £375.3.6. for the same. Late in October, 1936, deponent received a call from a man giving the name of Stanley of Maclean & Henderson who advised him to buy more of these shares but he refused to do so.

According to this same deponent on November 13, 1936, Richards telephoned to him stating that West African Mining had acquired control of Gold Reefs of West Africa and advising him to exchange his shares accordingly, which deponent agreed to do. On January 28, 1937, a transfer of 3000 shares in West African Mining Corporation out of the name of Alexander Graham—a name used by petitioner—was sent to deponent but the latter refused to sign the same. Deponent paid a total of £994.9.9. for shares purchased on the advice of Maclean & Henderson which he believes to be valueless.

According to the deposition of John C. Russell this deponent in 1935 received a communication



from Maclean & Henderson regarding certain shares which he then held and later from time to time received a copy of a weekly journal. Early in May, 1936, Richards of Maclean & Henderson telephoned to deponent and advised him to buy Gold Reefs of West Africa shares, and relying upon such advice he bought 185 shares. Thereafter Richards telephoned periodically advising deponent to increase his holdings. Between May and October, 1936, deponent purchased 18,105 Gold Reefs of West Africa shares and paid for the same by sending good securities to Maclean [115] & Henderson to be sold. In August, 1936, deponent received from a firm, name forgotten, an offer to purchase these shares at a price higher than that which he had paid, and upon sending this letter to Maclean & Henderson was advised on the telephone by Richards not to accept the offer. In October, 1936, deponent received a call from a representative of Maclean & Henderson, giving the name of Simpson, who advised him to buy still more of these shares, and accordingly he purchased 6300 additional shares. On November 13, 1936, Richards told deponent over the telephone that West African Mining Corporation was going to buy Gold Reefs of West Africa shares at a price higher than that paid by the latter, and accordingly he instructed Richards to sell all of his shares. The next day deponent received a letter dated October 20, 1936, and a note purporting to show these shares had been sold, but instead

of receiving the money therefor deponent received a note for the purchase of a similar number of shares in West African Mining Corporation. Deponent believes that all of these shares were valueless at all times and states that West African Mining Corporation never had any working capital and that when he received the note for the purchase of 18,105 shares in that concern, its total capital was £1000 divided into 4,000 5/- shares.

According to this same deponent he lost a total of £5,714.3.3. through his dealings with Maclean & Henderson, that in connection with his purchase of 6300 Gold Reefs of West Africa shares on Simpson's advice he delivered to Maclean & Henderson the following securities to-wit:

- 210 Hallamshire Coal Supplies shares
- 1515 Brooks & Doxey Ltd. shares
- 120 Tinsley Park Colliery shares
- 1515 Wigan Coal & Iron shares and
- 936 J. Compton Sons & Webb Ltd. shares [116]

According to the deposition of William Fothergill, this deponent early in 1935 received a communication from Maclean & Henderson and since then from time to time received a paper called "Weekly Financial Review". In that year he had one or two small transactions with this firm. In May, 1936, deponent received a call over the telephone from a man giving the name of Richards, stating he was London Office Manager of that firm, and advising deponent to buy Associated Electrical

Industries shares, and accordingly the latter purchased 100 shares paying therefor by check in the amount of £232.1.0. Later Richards telephoned deponent advising him to sell these shares and to buy Gold Reefs of West Africa shares. The latter agreed to this and the proceeds were reinvested in 725 Gold Reefs of West Africa shares. About August 30, 1936, deponent received a letter from Robert Irving and Co. offering to buy these shares at an increased price, but on the following day Richards over the telephone advised him to purchase more of these shares and thereupon deponent purchased 500 additional shares paying £158.3.6. On October 19, 1936 deponent was visited by a man giving the name of Mortimer who advised him to purchase still more of these shares, stating the same would be listed shortly on the stock exchange at a very handsome premium, and believing such representations, deponent, on October 20, 1936 paid £700.09. for 2,217 additional shares.

According to this same deponent on October 27, 1936, he was visited by Mortimer who made further representations concerning the advantages of this stock and persuaded him to sell 430 Mexican Eagle shares and invest the proceeds in 2250 more Gold Reefs of West Africa shares. [117] Deponent was persuaded to buy a total of 5,692 such shares at a cost of nearly £1,800. Deponent has been informed and believes that these shares are practically without value. On November 9, 1936, deponent called

at 36 Old Broad Street, asked to see the manager, Mr. Richards, but was unable to see him or Mr. Mortimer. Deponent was informed and believes that the letter he received from Robert Irving & Co. was sent out on the instructions of Spiro, who at the time controlled that firm and one of his employees, Ethel M. Lowry, signed such letter.

According to the deposition of Frank Plater, this deponent in 1935 began to receive the "Weekly Financial Review" from Maclean & Henderson of 36 New Broad Street. On July 28, 1936, he received a letter from that firm recommending him to buy shares of John Brown & Co. Ltd., and accordingly he instructed them to purchase 50 shares of that company and sent a check in payment amounting to £88.0.6. Subsequently a man giving the name of Richards and describing himself as manager for Maclean & Henderson, telephoned to deponent from time to time, suggesting that he sell these shares and invest in Gold Reefs of West Africa Ltd. On August 11, 1936, relying upon the representations made, deponent gave instructions to sell these shares and to reinvest the proceeds in Gold Reefs of West Africa, Ltd. shares.

According to this same deponent, he later received a letter dated August 29, 1936 from a firm named Irving & Co. offering to buy these Gold Reefs of West Africa shares at a higher price, thereupon he spoke to Richards on the telephone about this offer and Richards recommended against

selling, but advised him to buy more. Deponent is informed and believes these shares are worthless. [118]

According to the deposition of F. Jackson, this deponent in 1936 began to receive from S. R. Bunt & Co. a stock market news publication. On October 20, 1936, he received the telephone call from S. R. Bunt & Co., from a man giving the name of Stanley, who recommended that deponent purchase Hawker Aircraft shares. The latter sent to S. R. Bunt & Co. a check for £337.8.6. to purchase these shares, but before the transaction was completed Stanley telephoned to deponent and suggested that he sell these shares and reinvest in Gold Reefs of West Africa shares. Relying upon this advice, deponent agreed to sell his Hawker Aircraft shares, and to buy 1160 Gold Reefs of West Africa shares. Not seeing the latter shares quoted on the stock exchange, deponent wrote to S. R. Bunt & Co. and received a reassuring reply.

According to this same deponent on November 4, 1936, a man giving the name of Mortimer called on deponent, producing a letter of authority from S. R. Bunt & Co., and informed him that Gold Reefs of West Africa shares had increased in price, and advised him to sell the same and buy West African Mining Corporation shares. Relying on this advice, deponent instructed S. R. Bunt & Co. to sell his shares and to purchase 3,000 West African Mining Corporation Shares, and sent his check for £795

to pay the balance due from him. Later Mortimer again called on deponent, informed him that these shares were worth considerably more than their present price, and that a certain influential man was interested in this corporation. Relying on this advice deponent agreed to buy 7,000 additional shares and gave Mortimer his check for £2,975. No certificates for any of these shares were delivered to deponent, but instead he received a letter [119] dated Feb. 1, 1937, enclosing a certified transfer for 3,000 shares and another for 7,000 shares, out of the name of Alex Graham.

According to this same deponent, he has been informed and believes that these shares are worthless, that the activities of S. R. Bunt & Co. were controlled by Spiro through one Samuel Taylor, also that Spiro used the name of Stanley when purchasing the business of Maclean & Henderson and that during 1936 the latter firm dealt extensively first in Gold Reefs of West Africa shares and later in West African Mining shares. Deponent expended a total of £4,100 in the purchase of these shares.

According to the deposition of C. H. Row, this deponent about October 20, 1936 received a telephone call from S. R. Bunt & Co., from someone who did not give his name, but who advised deponent to buy Hawker Aircraft shares. Deponent agreed to do so and sent his check for £202.13.6. to buy 120 shares; but before taking the shares received another telephone call and was advised to

sell the same and reinvest in Gold Reefs of West Africa. Acting on this advice, he agreed that S. R. Bunt & Co. could sell these shares and invest the proceeds in 600 Gold Reefs of West Africa shares.

According to this same deponent, on November 9, he received a visit from a man giving the name of Mortimer who produced a letter of authority from S. R. Bunt & Co., and who told deponent that the latter shares had gone up, and advised him to sell the same and to purchase 5,000 West African Mining Corporation shares. Deponent agreed to take 1,000 of these shares, and gave S. R. Bunt & Co. his check for £170. After some correspondence about these shares, [120] deponent called at the office of S. R. Bunt & Co. on January 22, 1937, and there informed a man named Keith Lambert that he wished to sell these shares. This man told deponent that Samuel Taylor, whose name appeared on the paper of S. R. Bunt & Co., was ill and that Mortimer was still with the firm. Deponent received a transfer for 1,000 shares in West African Mining Corporation Ltd., out of the name of Alex Graham, and believes that Gold Reefs of West Africa shares and West African Mining Corporation shares are worthless.

According to the deposition of Charles Wood, a solicitor, this deponent acted as secretary for a company called Brucefield Collieries Ltd., from about March 20, 1931 to August 9, 1935. That he met Spiro about the beginning of 1935, that he dis-

cussed with Spiro the matter of the purchase of that company, that he received some money from Anglo African Corporation Ltd. which was applied as a deposit upon that purchase, that he advised Spiro on the matter of issuing debentures but the latter resented such advice, that deponent discussed this subject with Samuel Taylor as well as Spiro, that later, on or about August 9, 1935, following a conversation between them and deponent during which a disagreement arose on this subject, the latter resigned. Deponent surrendered all records, etc., to Samuel Taylor who paid part of his fee.

According to the deposition of B. Waters, a Higher Clerical Officer at the General Post Office, an agreement for the installation of a telephone at 16a Conduit Street W. was signed for by S. Taylor, and this signature is attached to other agreements respecting telephone numbers. [121] The records show telephone calls were placed from various addresses, to-wit, 5 Suffolk Street and 36 New Broad Street to R. H. East, on July 2 and 9, 1936, August 6, 14 and 17, 1936, also that telephone calls to J. C. Russell were placed from 16a Conduit Street on September 21, and November 13, 23 and 30, 1936, also that telephone calls to F. Plater were placed from the same address on August 11, 20 and 25 and September 7, 1936, also that telephone calls to William Scott were placed from the same address on September 7 and 10, October 8,



November 2, 13 and 17 and December 7, all in 1936 and on January 12, 1937, also that telephone calls to F. Jackson were placed from the same address on October 20 and 30 and November 2, 1936 and January 4, 1937. Also that telephone calls to C. H. Row were placed from the same address on October 20, 22 and 30, and November 6, 1936, also that telephone calls to William Fothergill were placed from the same address on August 31, October 7 and 21, 1936, and November 21 and 23, 1936.

According to the deposition of C. W. Engel, this deponent on November 17, 1936 was engaged as bookkeeper by J. Martin of Martin, Dale & Forsythe and acted as Registrar of Gold Reefs of West Africa Ltd. for a few months. Deponent on several occasions called at 29 King William Street to see the Secretary of West African Mining Corporation Ltd. and later acted as, and still is, secretary of that company. 170,000 shares were transferred to Mr. Hickman. Deponent met Hickman and last saw him in England in the latter part of 1936.

According to this same deponent, certain capital duties amounting to over £1000 have not been paid, there being no money to pay the same, deponent left Martin, Dale [122] and Forsythe early in January, 1937. Hickman introduced petitioner to deponent and was virtually the owner of the company. He told deponent he was disposing of his shares to petitioner and an agreement was signed by him

dated November 30, 1936, which however, did not come into being until January, 1937. Hickman also told deponent that petitioner had said he would supply sufficient funds to work the company.

According to this same deponent, petitioner gave him instructions to get new offices, which he found but which were not suitable, and petitioner said he had found some and they moved into 7 Gresham Street; Messrs. Scully and King resigned as directors on January 21, when Graham took over and the next directors of the company were Messrs. Green and Chancellor. Petitioner was known to deponent as Graham, and the last occasion when he saw petitioner was February 4, 1937. Deponent certified 170,000 shares out of the name of Graham.

According to the deposition of F. W. Dove, this deponent is the concessionaire of certain Gold properties in the Gold Coast and an agreement was made to sell to West African Mining Corporation Ltd. certain rights and concessions for £63,500, payment to be £300 in cash and £20,000 in 5/-shares fully paid. This agreement is dated November 28, 1936. Deponent received £100 on account and nothing more.

According to the deposition of C. Morse-Stephens, this deponent in August, 1936 arranged with Mr. Martin of Martin, Dale & Forsythe to rent an office to be used by Robert Irving & Co. for £5 a month. Only one month's rent was paid and the office was used only for that time. [123] The only

person the deponent saw there was a clerk named Miss Phillips. Deponent accepted the secretaryship of West African Mining Corporation about November, 1936, and delivered to Martin all letters addressed to that concern, never opening the same. Deponent resigned in January, 1937.

According to the deposition of May L. Phillips, this deponent was employed as shorthand-typist by Maclean & Henderson starting January, 1935. To obtain this position, she went to 5 Suffolk Street to interview a Mr. Klein, and a few days later petitioner, known to her as Graham, took her from Suffolk Street to New Broad Street. There she typed out reports on various companies, receiving instruction from petitioner. Afterwards William Underhill became manager and she took instructions from him. He usually dealt with the post, although at times petitioner dealt with it. Some weeks later deponent saw J. W. R. Elphinstone who came in the evening to sign some letters. Petitioner used to come to the office almost every day and dictated all letters as to change of address. Deponent also attended to the telephone, but petitioner got his own numbers. The books were kept by W. Underhill and a Mr. Green. Deponent heard of Simpson and Richards but did not meet them. She knew Spiro as Stanley and saw him a few times. He used to talk to clients who called.

According to this same deponent, in April, 1936, she was taken by petitioner to S. R. Bunt & Co., 1

Royal Exchange Avenue, after he had informed Underhill that deponent was going to work there. She saw Samuel Taylor in that office a few times. His name was on the letterhead of S. R. Bunt & Co. Petitioner gave deponent orders at [124] S. R. Bunt & Co., and he opened letters, gave some to her and others he took away. About August, 1936, petitioner ceased to come there, and deponent did not see him afterwards. When he had gone, a messenger named Sydney usually called for the correspondence and sometimes deponent received a telephone message to take the letters to 5 Suffolk Street. Checks were signed S. R. Bunt & Co. in Samuel Taylor's handwriting.

According to this same deponent, she was told either by Taylor or petitioner—she cannot remember who—in the Autumn of 1936 about Hawker Aircraft shares. In about a dozen instances these shares were switched to Gold Reefs of West Africa shares. People called at the office asking to see Taylor, and when he was ill deponent telephoned Miss Brabyn at 5 Suffolk Street. Deponent left at the beginning of November, 1936. About July, 1936, petitioner told deponent to go to an office in King William Street where she stayed for a little while, and the name of the firm was Irving & Co. A Mr. Stephens or Stephenson was there, and deponent about every day took correspondence addressed Irving & Co. to 5 Suffolk Street.

According to the deposition of Ruby I. Croucher, this deponent is a typist. She met Spiro in 1925

and entered his employ in January, 1936, at 5 Suffolk Street, where she worked for Scottish Gas Utilities Corporation Ltd., and Anglo-African Corporation Ltd. When she began to work there, the staff consisted of Miss Brabyn, Mrs. Lowry, Mr. Taylor, petitioner, Mr. Sharp, and a housekeeper in addition to herself. Deponent heard petitioner called Strakosch. She took instructions mainly from Spiro, and in his absence from Taylor, who was secretary of one company. [125] Petitioner gave instructions to her with reference to Maclean & Henderson. She typed letters and answered the telephone during the lunch hour in Miss Brabyn's absence. Spiro and petitioner dictated letters with regard to Maclean and Henderson. The paper had a Broad Street address. When Maclean & Henderson's paper ran short she mentioned this to petitioner and got some more.

According to this same deponent, stationery of S. R. Bunt & Co. was at 5 Suffolk Street. Sometimes Spiro dictated letters with reference to this concern and so did petitioner. When stationery was required for that company, she may have mentioned it to Taylor or petitioner. Taylor dictated letters for Scottish Gas Utilities Corporation Ltd. She saw J. W. R. Elphinstone a few times at 5 Suffolk Street. W. Underhill came there very seldom and came to see Spiro. Early in November, 1936, Spiro told deponent to work at S. R. Bunt & Co. Sometimes letters were collected there by a messenger

from Suffolk Street named Sydney. Deponent was there three weeks. Petitioner never came there. Keith Lambert was running S. R. Bunt & Co. Deponent left December 5, 1936 after giving a week's notice to Spiro.

According to the deposition of Rose K. Watson, this deponent is a shorthand-typist, and in May, 1936 was employed by Spiro, whom she interviewed at 5 Suffolk Street, and there she met Miss Brabyn who took her to 16 Conduit Street. She remained there about one week, and was paid her wages by petitioner whom she knew as Graham. From there, she went to 36 New Broad Street in May, 1936, upon Spiro's instruction. She was accompanied by petitioner. There she met W. Underhill, the manager and remained there in the employ of Maclean & Henderson until [126] January, 1937. There Underhill usually gave instructions to her, including the typing of letters dealing with Gold Reefs of West Africa Shares. He signed the checks and endorsed them. He also attended to the post and when he left, Mr. Green did so.

According to this same deponent petitioner came to the office quite frequently. There she saw Samuel Taylor, once or twice with petitioner. She heard of Richards, but never met him. She also met a Mr. Henderson and a Mr. Lambert. Underhill would speak to parties calling on the telephone and later Green did so. She also typed letters relating to West African Mining Corporation. In

February, 1937, at Miss Brabyn's request, deponent went to 7 Gresham Street, where she worked at the office of West African Mining Corporation under the direction of Mr. Engel, whom she had previously met at the office of Gold Reefs of West Africa Ltd. She remained there two or three days.

According to the deposition of Ethel M. Lowry, this deponent is a typist. In May, 1932, she met Spiro but he was introduced to her as Mr. Stanley. He employed her to work in the office of Scottish Gas Utilities Corporation Ltd. and take instructions from a Mr. Aprange. The Anglo-African Corporation Ltd. had an office in the same place. In 1934, Samuel Taylor became secretary and director of Scottish Gas Utilities Corporation Ltd. and deponent took instructions from him. Occasionally she went to Spiro's office at 5 Suffolk Street, and there letters were dictated to her to clients of Maclean & Henderson. Spiro asked her to sign the letters. He also dictated two or three letters addressed to clients of S. R. Bunt & Co. Deponent has seen Spiro write in various disguises. She has known petitioner since 1932 as Strakosch. [127]

According to the deposition of A. M. Jones, this deponent is managing director of Mills Conduit Investments Ltd. with offices in 16, Conduit Street. In April, 1936 the company let the third and fourth floors to Spiro who came there frequently. Deponent does not remember seeing petitioner there. Deponent knew Spiro as the proprietor of Maclean

& Henderson. From time to time he borrowed money from deponent's company. Between August 24, 1934 and January 29, 1937, deponent's firm paid by way of advances a number of checks in transactions wherein Spiro represented Maclean and Henderson.

According to this same deponent, early in 1936 Spiro stated he was going abroad. He brought petitioner and introduced him as his assistant and stated if petitioner should want any money to let him have it and he, Spiro, would be responsible for it. He introduced Samuel Taylor in the same way and stated that the latter was his brother-in-law. In petitioner's case he deposited as collateral security Maclean & Henderson checks. Deponent has produced at the trial of Taylor, Elphinstone and Underhill the checks paid to Spiro, petitioner and Taylor.

According to the deposition of D. Kerman, this deponent is managing director of Dunn Trust Limited. In the early part of 1934 he met Spiro and beginning January, 1935, his firm advanced to Spiro large sums totalling £95,000. Spiro acted on behalf of Maclean & Henderson, and was also associated with S. R. Bunt & Co., and claimed he was substantially in control of both concerns. From time to time, transactions were had involving various securities. In the early summer of 1936 Spiro introduced petitioner and Samuel Taylor to deponent stating they were his assistants and in charge



of his office while he was abroad. [128] One or two transactions were carried out with petitioner and Taylor who deposited Maclean & Henderson checks. Deponent has produced at the trial of Taylor and Elphinstone and Underhill the checks paid to Spiro, petitioner and Taylor in connection with the loans.

According to the deposition of C. W. Williams, this deponent is a chartered accountant. He has examined the books and also the banking accounts of Maclean & Henderson but no cash book has been found. In the clients ledger he examined accounts in the names of J. H. Turner, R. H. East, P. Daniel, W. Fothergill, F. Plater, J. C. Russell and W. Scott. In certain cases transactions claimed by them are not entered in the books.

According to this same deponent, he has examined the banking account of Scottish Gas Utilities Corporation Ltd., and has found that on December 31, 1934, when payment of interest on debentures and notes was due, the balance in the account was 13s/5d. On January 3, 1935, a check for £3,030 was paid into this account from Anglo-African Corporation. The account of the latter company on the day preceding the payment of this check had in it a credit balance of £17.7.3., but on January 2, 1935, a check for £4,032 from the account of Maclean & Henderson went into the Anglo-African Corporation account. At the next date, namely, July 1, 1935 when such interest became due, Scottish Gas Utilities Corporation had a credit balance of

£13.16.11. Two checks totalling £2,297.10.0. drawn by Dunn Trust Ltd. to Spiro on July 5, 1935 were paid into this account. A similar transaction was carried through on January 3, 1936 through Mills Conduit Investments Ltd. at a time when the credit balance of Scottish Gas Utilities Corporation account [129] consisted of 10s/11d. At no time after the beginning of 1935 does the current account of that company show the receipt of any other substantial sums.

According to this same deponent, the transactions between Spiro and Mills C. I. Ltd. and between Spiro and Dunn Trust Ltd. were handled by him on behalf of Maclean & Henderson. In the transactions with Mills C. I. Ltd. Spiro, petitioner and Taylor received checks totalling £189,585.10.6. between August, 1934 and September, 1936, of these 116 representing over £137,000 were converted into cash and checks to the value of over £19,000 were paid into Anglo-African Corporation, Ltd. In similar transactions with Dunn Trust Ltd. between January, 1935, and February, 1937, Spiro, petitioner and Taylor received checks to the total amount of £95,848.13.8. Of these, 58 were converted into cash representing over £64,000 and checks to the value of over £13,500 were paid to Anglo-African Corp. Ltd. By this method Spiro was able to convert securities sent by clients of Maclean & Henderson into ready money.

According to the deposition of G. E. W. Bridge, this deponent is secretary of the Trustees of a certain estate owning the property at 1 Royal Exchange Avenue; that an agreement was entered into on April 20, 1936, that previously he had an interview with Taylor and that petitioner accompanied the person who signed the agreement; also that shortly before Christmas, 1936, Taylor's name was removed from outside the building and replaced by the name of Keith Lambert, and that the premises were vacated about February 26, 1937. [130]

According to the deposition of E. Clayton, this deponent is a solicitor and chief clerk in the Department of the Director of Public Prosecutions, and that he has correctly stated the substance of various provisions of the criminal law.

According to the deposition of T. Gankerseer, this deponent is a Detective Inspector of the City of London Police, that he has made inquiries to locate Spiro and petitioner, but their present whereabouts appears to be unknown and he has reason to believe that they had left England.

And it further appearing that under the terms of the applicable extradition treaty, more particularly Article 8 thereof, that extradition of fugitive criminals shall be carried out "in conformity with the laws regulating extradition for the time being in force in the territory from which the surrender of the fugitive criminal is claimed", and particularly Article 9 thereof, that "the extradition shall take place only if the evidence be found sufficient, accord-

ing to the laws of the" country applied to, "to justify the committal of the prisoner for trial, in case the crime or offense had been committed in the territory of such" country, and

It further appearing that the law of the State of California requires that upon preliminary examination of the defendant with a view of ascertaining whether or not he shall be held to answer to the Superior Court for a felony, he shall be so held if "it appears from the examination that a public offense has been committed and there is sufficient cause to believe the defendant guilty thereof." (Cal. Penal Code, Sections 871 and 872.) [131]

The Court Concludes that in granting leave to file the second amended complaint, the Commissioner did not commit any abuse of discretion, and further that petitioner is estopped to attack such ruling.

The Court Further Concludes that the acts described in the second amended complaint constitute crimes respecting which extradition may be had under the applicable extradition treaty.

The Court Further Concludes that the evidence presented at the hearing before the Commissioner tends to prove that one Stanley Grove Spiro, alias Stanley, alias Royston, and also various other persons, participated in the commission of such crimes.

The Court Further Concludes that the following named individuals are the only persons alleged to have been the victims of one or more of the offenses described in said second amended complaint, and

are the only persons with respect to whom any crime is alleged to have been committed, and that each of the offenses described in said second amended complaint is alleged to have been committed with respect to one of the following named individuals, to-wit: John Henry Turner, Reginald Harry East, Peter Daniel, Frank Plater, William Scott, John Cooper Russell, William Fothergill, Francis Jackson and Charles Henry Row.

The Court Further Concludes that the offense described in said second amended complaint, to-wit, Paragraph VIII-A, subdivision (a) thereof, namely an offense committed with respect to said Turner, arose out of certain transactions wherein said Turner dealt with one J. Elphinstone, who [132] represented Maclean & Henderson, and wherein subsequently said Turner again dealt with said J. Elphinstone and also with one Samuel Taylor who also represented Maclean & Henderson, that some of these transactions took place at the office of said firm located at 5 Suffolk Street, and the remaining transactions took place at the residence of said Turner, and that at no time did petitioner directly or indirectly make any representations to said Turner or otherwise deal with him.

The court further concludes that the offenses described in said second amended complaint, to-wit, Paragraph VIII-A subdivisions (b), (c-1) and (c-2) thereof, namely offenses committed with respect to said East, arose out of certain transac-

tions wherein said East dealt with said Spiro who, under the name of Royston, representing Maclean & Henderson, and that at no time did petitioner directly or indirectly make any representation to said East or otherwise deal with him.

The Court Further Concludes that the offenses described in said second amended complaint, to-wit, Paragraph VIII-A, subdivisions (d) and (e) thereof, namely offenses committed with respect to said Daniel, arose out of certain transactions wherein said Daniel dealt with said Spiro who, under the name of Royston, represented Maclean & Henderson, that after said Daniel had delivered to said Spiro the securities described in subdivision (d) of said paragraph VIII-A, for the purpose of having the same sold and applying the proceeds thereof to purchase other securities on behalf of said Daniel, and after the latter had also given to said Spiro the sum specified in Subdivision (e) of said Paragraph VIII-A for the purpose of purchasing [133] other securities on behalf of said Daniel, that is to say from two to four months after these transactions had occurred, and when said Daniel was inquiring for the securities which he had thus bought, petitioner informed him that certificates were often held up, and that at no time did petitioner directly or indirectly make any other representation to said Daniel or otherwise deal with him.

The Court Further Concludes that the offense described in said second amended complaint, to-wit,

Paragraph VIII-A subdivision (f) thereof, namely an offense committed with respect to said Plater, arose out of certain transactions wherein said Plater dealt with one Richards who represented himself as the manager of Maclean & Henderson, and that at no time did petitioner directly or indirectly make any representation to said Plater or otherwise deal with him.

The Court Further Concludes that the offenses described in said second amended complaint, to-wit, Paragraph VIII-A, subdivisions (g-1), (g-2) and (g-3) thereof, namely, offenses committed with respect to said Scott, arose out of certain transactions wherein said Scott dealt with said Richards and also with said Spiro who each represented Maclean & Henderson, that at no time did petitioner directly or indirectly make any representation to said Scott or otherwise deal with **him**.

The Court Further Concludes that the offense described in said second amended complaint, to-wit, Paragraph VIII-A, subdivision (h) thereof, namely an offense committed with respect to said Russell, arose out of certain transactions wherein said Russell dealt with one Richards who represented [134] Maclean & Henderson, that at no time did petitioner directly or indirectly make any representation to said Russell or otherwise deal with him.

The Court Further Concludes that the offenses described in said second amended complaint, to-wit, Paragraph VIII-A subdivisions (j-1), (j-2) and

(j-3) thereof, namely, offenses committed with respect to said Fothergill, arose out of certain transactions wherein said Fothergill dealt with one Richards, who represented himself as London Office Manager of Maclean & Henderson, and wherein later said Fothergill dealt with one Mortimer, who represented Maclean & Henderson, and that at no time did petitioner directly or indirectly make any representation to said Fothergill or otherwise deal with him.

The Court Further Concludes that the offenses described in said second amended complaint, to-wit, Paragraph VIII-A subdivisions (k-1), (k-2) and (k-3) thereof, namely, offenses committed with respect to said Jackson, arose out of certain transactions wherein said Jackson dealt with said Spiro who used the name of Stanley and who represented S. R. Bunt & Co., and wherein said Jackson later dealt with one Mortimer who represented S. R. Bunt & Co., and that these transactions took place and said offenses were committed after petitioner had left the employ of S. R. Bunt & Co., and that at no time did petitioner, directly or indirectly, make any representation to said Jackson or otherwise deal with him.

The Court Further Concludes that the offenses described in said second amended complaint, to-wit, Paragraph VIII-A subdivisions (l-1) and (l-2) thereof, namely, offenses committed with respect to said Row, arose out of certain [135] transactions



wherein said Row dealt firstly over the telephone with a party claiming to represent S. R. Bunt & Co. but whose identity is unknown, and later dealt with one Mortimer who represented S. R. Bunt & Co., and still later dealt with one Keith Lambert who represented S. R. Bunt & Co., and that these transactions took place and said offenses were committed after petitioner had left the employ of S. R. Bunt & Co., and that at no time did petitioner directly or indirectly make any representation to said Row or otherwise deal with him.

The Court Further Concludes that petitioner did not at any time own, also that he did not at any time represent himself as owning, and that he was not at any time held out as owning, any interest either in the firm of Maclean & Henderson or the firm of S. R. Bunt & Co., also that he was not the manager of either of said firms, also that he did not represent either of said firms in any of the transactions relating to the deposit, with either of said firms, of any of the securities or any of the checks or funds by any of the persons mentioned in said second amended complaint, also that he did not receive any of the securities or any of the checks or funds deposited with either of said firms as alleged in said second amended complaint, and also that he did not represent either of said firms in any of the transactions upon which any of the offenses described in said second amended complaint are based.

The Court Further Concludes that the evidence

presented before the Commissioner was insufficient to justify a finding to the effect that there was a probability that any one of the specific crimes described in said second amended complaint had been directly committed by the petitioner or that he had [136] directly participated in the commission of the same; also that such evidence was insufficient to justify a finding to the effect that petitioner had not merely aided in the commission of any one of the specific crimes described in said second amended complaint, but also had had knowledge of the wrongful purpose of any of the persons engaged in the perpetration of any one of said specific crimes and had counseled and had encouraged such person in the commission thereof; also that such evidence was insufficient to justify a finding to the effect that a person of ordinary caution and prudence would believe and conscientiously entertain a strong suspicion that the petitioner was guilty of any one of the specific crimes described in said second amended complaint; also that such evidence was insufficient to justify a finding to the effect that there was reasonable ground to believe that any one of the specific crimes described in said second amended complaint had been committed by petitioner or that he had aided and abetted in the commission thereof; also that if such evidence had been presented at a preliminary examination before a committing magistrate in the State of California, for the purpose of determining whether a case was thereby made

out which would justify holding the petitioner for trial in the superior court of said state upon any of the specific crimes described in said second amended complaint, the same would have been insufficient to justify holding him for trial; and also that the Commissioner did not have before him competent legal evidence on which to exercise his judgment as to whether the facts were sufficient to establish the criminality of petitioner with respect to any of said crimes, for the purposes of extradition. [137]

The Court Therefore Concludes that petitioner is entitled to his discharge under the writ of habeas corpus.

See:

In re Luis Orteiza y Cortes, 136 U. S. 330, 334, 335;

Charlton v. Kelly, 229 U. S. 447, 456;

Hatfield v. Guay, 87 F.(2d) 358, 361, 362, 364;

Curreri v. Vice, 77 F.(2d) 130, 131, 132;

People v. Terman, 40 Pac. (2d) 915, 916.

[Endorsed]: Filed Mar. 18, 1938. [138]

At a stated term, to-wit: the February Term, A. D. 1939, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles on Friday, the 18th day of March in the year of our Lord one thousand nine hundred and thirty-eight.

Present:

The Honorable Harry A. Hollzer, District Judge.

(Title of Cause.)

The Court having this day filed its memorandum of conclusions herein,

It Is Ordered, for the reasons set forth in said memorandum that petitioner be discharged under the writ of habeas corpus granted herein.

An exception is allowed to respondent.

108/662. [139]

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BRITISH CONSUL'S EXHIBIT NO. 1

Embassy of the  
United States of America

I, Herschel V. Johnson, Charge d'Affaires of the United States of America in London, England, hereby certify that the annexed papers being copies of the Warrant of Arrest, and of the Information and Depositions on which the Warrant was granted proposed to be used upon an application for the

extradition from the United States of Alex Graham (otherwise Strakosch), charged with offences against Sections 20 (1)(iv)(a), 20 (1) (iv) (b), and 32 (1) of the Larceny Act, 1916, alleged to have been committed in Great Britain, are properly and legally authenticated so as to entitle them to be received in evidence for similar purposes by the tribunals of Great Britain, as required by the Act of Congress of August 3, 1882.

[Seal] HERSCHEL V. JOHNSON.

London, October 18, 1937.

[Endorsed]: 5774 U. S. Dist. Court So. Dist. of Cal. Divi. British Consul's Exhibit 1. Filed Dec. 10/37 Head, Com'r.

[Endorsed]: 13401-H Cr. Filed Jan. 11, 1938. R. S. Zimmerman, Clerk, by Edmund L. Smith, Deputy Clerk. [140]

In forwarding the annexed papers, to be used in support of an application for the surrender from the United States of America of Alex Graham (otherwise Strakosch charged with offences against sections 20 (1)(iv)(a), 20 (1)(iv)(b), and 32 (1) of the Larceny Act, 1916, committed in Great Britain, I hereby certify that, to the best of my knowledge and belief, the signature "H. Twyford" certifying to the correctness of the copy of the Warrant of Arrest, the Information and Depositions on which the Warrant was granted is the sig-

nature of Alderman Sir Harry Twyford, Knight, One of His Majesty's Justices of the Peace for the City of London, having authority to issue and receive the same, and I further certify that such documents so signed by a Magistrate having jurisdiction in the place where the same were issued and taken, and authenticated by a Minister of State, and sealed with his official seal, would be received in evidence for similar purposes by the tribunals of Great Britain.

[Seal] A. MAXWELL,  
Deputy Under Secretary of  
State for the Home Department.

Whitehall.

16th October, 1937.

Certified at the Foreign Office for Legalization of the Foregoing Signature.

“A. Maxwell”

London.

18th Oct. 1937.

[Seal] STEPHEN GASELEE,  
Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs. [141]

Duplicate Original  
re Stanley Grove Spiro  
and  
Alex Graham (otherwise Strakosch).  
EXTRADITION.  
INFORMATION, EXHIBITS AND  
WARRANT

[142]

City of London, to wit:

The Information of the Director of Public Prosecutions and the Depositions of Peter McIntyre Hunter, Stockbroker, of "Duncraggan", Causewayhead by Stirling, Scotland, Luis Sancha, Company Director, of Bilbao House, 36, New Broad Street, London, E. C. 2., Agnes Elizabeth Payn, Official in the Registry of Business Names, of Chansitor House, Chancery Lane, London, W. C. 2., George William Baldwin, Civil Servant, of 55, Whitehall, London, S. W. 1., Leonard Peter Darsley, Official in the Registry of Companies, of Bush House, Strand, London, W. C. 2., Francis Joseph Mildner, Printer, of 12, Highwood Grove, Mill Hill, London, N. W. 7., John Henry Turner, retired Insurance Official, of "Cotswold", Milton-under-Wytchwood, Oxford, Reginald Harry East, of 43, Cliff Hill, Gorleston-on-Sea, Peter Daniel, Consulting Surgeon, of 1a, Upper Wimpole Street, London, W. 1., Charles Wood, Solicitor, of 113, High Street, Kirkcaldy, Scotland, William Scott, Dental Surgeon, of

“Clovelly”, Barr Mill Road, Beith, Ayrshire, John Cooper Russell, Physician and Surgeon, of 24 Scarisbrook, New Road, Southport, Lancashire, William Fothergill, Cotton Merchant, of The Towers, High-town, Liverpool, Frank Plater, Manufacturer, of 92, Sandford Road, Moseley, Birmingham, Benjamin Waters, Civil Servant, of the General Post Office, Cornwall House, Stamford Street, London, S. E. 1., Charles Walter Engel, Company Secretary, of 16, Church Road, London, N. 1., Frederick William Dove, Concessionaire, of 32, Park Grove, Edgware, Middlesex, Claude Morse-Stephens, Incorporated Secretary, of 196, Ewell Road, Surbiton, Surrey, May Lilian Phillips, Shorthand Typist, of 130, Shakespeare Crescent, Manor Park, London, E. 12., Ruby Isabel Croucher, Typist, of 77 Eldon [143] Road, Wood Green, London, N., Rose Kathleen Watson, Shorthand Typist, of 69, Old Bromley Road, Bromley, Kent, Ethel Mary Lowry, Typist, of 119 Broxholme Road, London, S. E., Alexander Michael Jones, Managing Director, of 16a, Conduit Street, London, W. 1., David Kerman, Managing Director, of 11, Princes Street, Hanover Square, London, W. 1., Owen Wyatt Williams, Chartered Accountant, of Messrs. Fookes, Wyatt Williams & Hickman, 796 Salisbury House, London Wall, London, E. C. 2., George Edmund Walker Bridge, of “Dytchley”, Woking, Surrey, Francis Jackson, Butcher, of 47-49, Smeaton Street, North Ormesby, Middlesbrough, Yorkshire, Charles Henry Row, In-



insurance Broker, of Chapel House, Long Melford, Suffolk, Edwin Clayton, Solicitor and Chief Clerk in the Department of the Director of Public Prosecutions, 1, Richmond Terrace, Whitehall, London, S. W. 1, and Thomas Gankerseer, Detective-Inspector, City of London Police, of 26, Old Jewry, London, E. C. 2., in support thereof laid on Oath before me, the undersigned, one of the Aldermen and Justices for the City of London, sitting at the Guildhall Justice Room, in the said City,

upon an Application for a Warrant for the arrest of one Stanley Grove Spiro, late of 5 Suffolk Street, Pall Mall, London, S. W. 1., and of one Alex Graham (otherwise Strakosch), late of 5 Suffolk Street, Pall Mall, London, S. W. 1., to answer the following charges: [144]

(a) For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 8th day of February, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by John Henry Turner to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 300 shares in the London and Manchester Assurance Co. Ltd., of the value of £5,737.10. 0., by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C.,

and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, and that the said £100 notes were then worth £107.10. 0., contrary to section 32 (1) of the Larceny Act, 1916. [145]

(b) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 17th day of June, 1935, in the City of London, with intent to defraud, caused or procured to be delivered by Reginald Harry East to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 500 Associated British Pictures Preference shares, 1,000 Barclay Perkins & Co. Ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/6d. shares, 300 Daily Mirror Newspaper 8% Preference shares, 300 Fremlin's Ltd. Ordinary shares, 1,000 Gamage Ordinary shares, 1,000 Gold Producers Fixed Trust (1st Series) Sub-Units, 500 Great Universal Stores 5s/- Ordinary shares, 312 Ind Coope & Co. Ordinary shares £1,000 London County Council 4½% Stock, 600 Meux's Brewery Ordinary shares, 700 National Fixed Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary shares, 1,000 Tarkwa Banket West 1s/- shares, 400 Taylor Walker & Co. Ordinary

shares, and 1,050 Peter Walker & Robert Cain Ordinary shares, together of the value of £17,508. 5. 0., by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that £100 Debentures in Brucefield Collieries Ltd., were a sound investment, and that they were then worth £100, and that 5½% £100 Notes of the Scottish Gas Utilities Corporation Ltd. were a sound investment, and that the said £100 Notes were then worth £107, contrary to section 32 (1) of the Larceny Act, 1916. [146]

(c) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 3rd day of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to wit, £784, in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, fraudulently converted the same to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1)(iv)(a) of the Larceny Act, 1916. [147]

(d) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 23rd day of August, 1935, in the City of London, with intent to defraud, caused or pro-

cured to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 1,060 Ever Ready Ltd. Ordinary shares, £1,108, 4% Consols, £50. 31½% War Stock, and £500. 21½% India Stock, together of the value of £2,903.14.9., by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the Larceny Act, 1916. [148]

(e) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 10th day of October, 1935, in the City of London, having received certain property, to wit a cheque for the payment of £1,000 for and on account of Peter Daniel, fraudulently converted the same and the proceeds thereof to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, contrary to section 20 (1) (iv)(b) of the Larceny Act, 1916. [149]

(f) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 3rd day of August, 1936, in the City of London, with intent to defraud, caused or pro-

cured to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson a certain valuable security, to wit, a cheque for the payment of £88.0.6., by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, contrary to section 32 (1) of the Larceny Act, 1916. [150]

(g) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 10th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £300 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and

increasing in value, and that they were then worth 7s/- a share, contrary to section 32 (1) of the Larceny Act, 1916. [151]

(h) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by John Cooper Russell to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 210, Hallamshire Coal Supplies shares, 100 Brooks & Doxey shares, 120 Tinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares, and 936 J. Compton Sons & Webb shares, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d. each, contrary to section 32 (1) of the Larceny Act, 1916. [152]

(j) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 20th day of October, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by William Fothergill to

Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £709.0.9., by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d each, contrary to section 32 (1) of the Larceny Act, 1916. [153]

(k) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 4th day of December, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Francis Jackson to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt and Co., a certain valuable security, to wit, a cheque for the payment of £2,975, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African

Mining Corporation Ltd. were a sound investment, and that they were then worth more than 8s/6d a share, contrary to section 32 (1) of the Larceny Act, 1916. [154]

(1) And Further For That They the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch), on the 9th day of December, 1936, in the City of London, with intent to defraud, caused or procured to be delivered by Charles Henry Row to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co. a certain valuable security, to wit, a cheque for the payment of £170, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment and they were then worth more than 8s/6d a share, contrary to section 32 (1) of the Larceny Act, 1916. [155]

As to the Charges Generally.

Peter McIntyre Hunter on oath saith as follows:

1. I live at "Duncraggan", Causeway head by Stirling, Scotland, and am a Stockbroker.

2. For many years I was a member of the firm of Maclean & Henderson, which was founded in



1868, and carried on business at 20, Barnton Street, Stirling, as outside brokers working on half commission with various firms on the Stock Exchange. The firm carried on a good and reputable business.

3. Shortly before September, 1934, being anxious to dispose of the business, I answered an advertisement in the "Financial Times", and ultimately received a call from two persons giving the name of Elphinstone and Stanley. The purchase of my business was discussed, and I asked the price of £2,000. After some negotiations, they agreed to buy the business and pay me £4,000.

4. The person who gave the name of Stanley I now know to be Stanley Grove Spiro. He took the more prominent part in the discussions, but the business was bought in the name of Elphinstone and was continued in Stirling in the name of Maclean & Henderson.

5. It was a condition of the sale that I should remain in the business for one year, but when it was suggested that an office in London should be opened and when circulars were sent out broadcast to the public, I severed my connection with the business on 25th March, 1935.

(Sgd.) PETER McINTYRE HUNTER.

[156]

As to the Charges Generally.

Luis Sancha on his oath saith as follows:

(1) I am a Director of Bilbao House Ltd., of Bilbao House, 36, New Broad Street, London, E. C. 2.

(2) In December, 1934, we let three rooms to Maclean & Henderson at 36, New Broad Street. The first person I saw was a Mr. Graham. He came with a man named Stanley. I saw Elphinstone later on. I think Elphinstone said he was the proprietor of the business. Maclean & Henderson became tenants on 24th December, 1934. The rent was £400. It was paid at the beginning. Later I had to press for it. It was always paid by cheque. We put the bailiff in.

(Sgd.) LUIS SANCHA. [157]

As to the Charges Generally.

Agnes Elizabeth Payn on her oath saith as follows:

1. I am an official in the office of the Registry of Business Names, Chanistor House, Chancery Lane, W. C. 2.

2. The file of the firm of Maclean & Henderson in the Registry of Business Names shows that it was registered on 21st August 1935 by Elphinstone, that business commenced in October 1934, and that the place of business was 36, New Broad Street, E. C. The name of person conducting is given as John William Robert Elphinstone, and his address 'Claremont', Bridge of Allan, Scotland. I received notice of cessation of business as from 10th October, 1936.

3. The file of registration of Maclean & Henderson by Harry Henderson of 111, Elgin Avenue,

London, shows that the firm commenced business at 36, New Broad Street, E. C., on 10th October, 1936.

4. The firm of S. R. Bunt & Co. was first registered in the Registry of Business Names on 20th March, 1917, by Solomon Row Bunt. A certificate was issued on 7th March, 1936 to Samuel Taylor, whose residence was given as Willow Hill, North Crawley, Newport Pagnell, Bucks. The address of the business was given on such certificate as 1, Royal Exchange Avenue, E. C., and business was to commence on 28th February, 1936.

5. There is notice of change of address on 1st July, 1936, Taylor's residence then being given at 10, Haymarket Court, S. W. 1. The file also contains notice of cessation of business by Taylor dated 10th December, 1936, stating that the business ceased on 26th November, 1936. [158]

There is also a file of S. R. Bunt & Co. in the Registry which shows the person conducting as Keith Lambert, of 55, Cambridge Terrace, W. 2. The address of the business is also 1, Royal Exchange Avenue, E. C., and it begins on 26th November, 1936, when S. R. Bunt & Co., in the name of Taylor, ceased.

(Sgd.) AGNES ELIZABETH PAYN. [159]

As to the Charges Generally.

George William Baldwin on his oath saith as follows:

(1) I am a Civil Servant in the Office of Commissioner of Crown Lands, 55, Whitehall, London, S. W.

(2) Stanley Grove Spiro by an assignment dated 8th May 1931 acquired the Crown Lease of 5, Suffolk Street, Pall Mall, S. W. He bought it from Mr. Warwick Brooks. That lease expired in October 1933 and another one was granted, a 7 years lease, the rent being £370 payable quarterly. The rent was paid in cash or by cheque, usually with the Anglo African Corporation cheque. One quarterly cheque was drawn by S. Taylor on Lloyd's Bank, Pall Mall.

(Sgd.) GEORGE WILLIAM BALDWIN.

[160]

As to the Charges Generally.

Leonard Peter Darsley on oath saith as follows:

1. I am an official in the Registry of Companies, Bush House, Strand, W. C. 2.

2. The file of the Anglo African Corporation Ltd. shows that it is a private company incorporated on 16th December 1902, with a nominal capital of £7 in £1 shares. The first appointment of Directors is indicated by Return dated 24th September 1904. One of the directors then appointed was Alfred Percy Sprange. The capital of the company was increased to £100 on July 15th 1908 and again to £1,000 on 20th October 1926. The Return of Directors dated 31st December 1926 shows as one of

the Directors H. V. Creighton. The Return dated 13th January 1931 shows him sole director. The same Return shows H. V. Creighton as holder of 50 shares, and Gladys Edna Thow as the holder of 50 shares. The office is shown as 5, Suffolk Street. It was originally Throgmorton House, Copthall Avenue, E. C. It was changed on 7th October 1926 to Trafalgar House, Waterloo Place, S. W. 1., and then on 14th August 1931 to 5, Suffolk Street. The return of 28th July 1932 shows change of director from H. V. Creighton to Francis Henry Le Suer. Notice of Change of Directors dated 3rd May 1934 shows the addition of Samuel Taylor as Director. The two directors remain and are shown on the return made 14th January, 1937.

3. The file of the Scottish Gas Utilities Corporation Ltd. shows that it was incorporated as a private company on 23rd April, 1932, with its registered office at 5, Suffolk Street, S. W. 1. One of the first directors was Arthur Francis Martin, another George Sarsfield Walsh [161] and another Alfred Percy Sprange. The Capital was originally £10,000 in 10,000 £1 shares. The file records an increase of capital from £10,000 to £115,000 by resolution dated 31st May 1932 and another to £200,000 by an extraordinary resolution of 16th June, 1932. The file also contains an agreement for sale dated 30th May 1932 between the British Empire Trading Syndicate of 5, Court Row, Guernsey, as Vendor Company to Scottish Gas Utilities Corporation of

certain rights and property for the sum of £90,000. The payment to be £20,000 cash and 70,000 in shares. The annual return dated 28th July, 1933, shows the capital to be £200,000. The total number of shares taken up was 70,002. The number of shares issued otherwise than in cash 70,000. The first allotment shows those 70,000 allotted to various names including Anglo African Corporation 4,500; British Empire Trading Syndicate 6,000; Financial & General Trust 15,000; Arthur Francis Martin 3,000; L. Grove Spiro (with an address in South Africa), 6,500; Roy Spiro (with the same address in South Africa) 6,500; and Alexander Strakoseh, 7,000. The return of directors dated 3rd May 1934 shows the directors to be Mr. Hanrahan, George Sarsfield Walsh, Arthur Francis Martin and Samuel Taylor, the latter in place of Alfred Percy Sprange. In the Annual Return of shareholders dated 26th October 1934, 11,000 shares go to Samuel Taylor from British Empire & Financial Trust, and in the next return of shareholders Taylor holds 22,000 of the shares transferred to him. Samuel Taylor is shown as a Director right up to the end. The company has now gone into liquidation. The winding up was 22nd February 1937. According to a return in the file British Empire Trust transferred 6,000 shares on 17th May 1934, and Financial & General Trust transferred 5,000. [162]

4. The file of Gold Reefs of West Africa Ltd. shows that it was incorporated on 1st November

1934, with a nominal capital of £1,000 divided into 1,000 £1 shares. Its first registered office was at 120, Moorgate, E. C., and one of the original directors was Mr. Arthur Klanfield of 323, Green Lanes, N. 4. The capital was increased to £100,000 by resolution dated 7th November, 1934. There is an agreement on the file dated 7th November 1934 under which Klanfield sells to the company certain lands in West Africa for £70,000, payable as to £64,000 in shares and £6,000 in cash to be paid as to half on 8th April 1935 and half on 8th October 1935. That payment of cash was secured on debenture of the assets of the company. There is also on the file a memorandum of Satisfaction of a charge or mortgage. That Memorandum of Discharge is dated 24th February 1936, which recites that the charge was satisfied on 26th June 1935. A return of allotments dated 7th November 1934, shows the number of shares allotted payable in cash 107, and the number of shares for consideration other than cash 64,000. In the month of May 1936, the denomination of the shares was altered from £1 to 5s/-. The return dated 26th February 1936 shows the total number of shares taken up to that day 85,107 and still only 107 payable in cash. The additional 21,000 shares issued were in respect of some other property, for an option concession in Gold Coast Colony. The file also contains a balance sheet of the company as at the 31st January 1936. That shows sundry creditors £573.10.11. on the liability side, and prelim-

inary expenses. The only other item of cash is Revenue Account £69.4.4. In the return of allotments from 30th September 1936 to 20th [163] November 1936, 55,572 shares go into the name of Geoffrey Roy Davidson of 20, Copthall Avenue. The 55,572 are shown as payable in cash.

5. The file of the West African Mining Corporation shows that it was incorporated on 2nd November 1936. The registration was made on that day. The first registered office was at 29, King William Street, E. C. The capital was originally £1,000 in 4,000 5s/- shares. On 23rd November 1936, there is a resolution increasing the capital to £200,000 by the creation of 796,000 5s/- shares. There is on the file an agreement dated 28th November, 1936, between Bukasu Ltd. and Frederick William Dove to the Company of mining rights in the Gold Coast, the purchase price being £63,500 payable as to £62,500 in shares to be allotted to Dove or his nominee, and £1,000 in cash. The return of allotments filed on 11th January 1937 shows Ordinary shares payable in cash 471, and for consideration other than cash 170,000. That 170,000 are shown as allotted to Robert Isidore Hickman, and the return is signed C. W. Engel, Secretary. There are several changes of address recorded on the file. The first change is shown in the return dated 20th January 1937 to Furnival House, High Holborn, W. C. Then a change to 7, Gresham Street on 29th January, 1937,



and another on 8th February, 1937, to 28, Martin Lane, Cannon Street, E. C.

(Sgd.) LEONARD PETER DARSLEY. [164]

As to the Charges Generally.

Francis Joseph Mildner on oath saith as follows:

1. I am a Printer and reside at 12, Highwood Grove, Mill Hill, N. W. 7.

2. In 1934 I was introduced by Mr. A. F. Martin to a man named Graham. As a result I called on Mr. Graham at the office of Maclean & Henderson at 36, New Broad Street, E. C. 2. He gave me an order for printing on behalf of the firm of Maclean & Henderson. The first order was about the end of 1934. From that time onwards I did a considerable amount of printing for Maclean & Henderson, including the publication called the Weekly Financial Review. The copy for the Weekly Financial Review came by post. Several people gave me orders. I printed reports on various companies from time to time. As a rule Graham paid me in notes at my request.

3. I know Samuel Taylor. He gave me orders for the Scottish Gas Utilities Corporation Ltd. I believe I did some dividend warrants for that company. That work was paid for in cash by Samuel Taylor or by one of the clerks in the office at 5, Suffolk Street.

4. I went to a flat in Haymarket Court. I saw Samuel Taylor there. He asked me to print some letter paper and small jobs for a firm, S. R. Bunt

& Co. He had his name down as proprietor of S. R. Bunt & Co. I did printing for S. R. Bunt & Co., including the printing of a publication by Bunt & Co. called the Stock Market News. It was paid for in the same way as the other printing. Towards the end the accounts were put together. Separate Invoices and accounts were rendered. [165]

5. I have seen Stanley Grove Spiro fairly frequently at 5, Suffolk Street. All interviews with him took place at 5, Suffolk Street. He gave me orders. I did one piece of printing for Robert Irving & Co. on telephonic instructions from Stanley Grove Spiro's secretary. I did not get any orders from Robert Irving & Co.

(Signed) FRANCIS J. MILDNER.

(Signed) FRANCIS JOSEPH MILDNER.

[166]

As to Charge (a).

John Henry Turner on his oath saith as follows:

1. I am a retired Insurance Official, and reside at "Cotswold", Milton-under-Wytchwood, Oxford.

2. In 1897, I first began having transactions with Maclean & Henderson of Stirling, and have had occasional transactions ever since. They were always satisfactory until a transaction in February, 1935.

3. In February, 1935, I received a letter from the firm, followed by a call. Someone called on 6th February, 1935, at my home address. He gave the

name of J. Elphinstone. It was not John William Robert Elphinstone or William Underhill or Samuel Taylor. He called upon me as an old client. He said we have a long and honourable association and I have something good to offer. He introduced a Gas Company, the Scottish Gas Utilities Corporation Ltd. He said it was in the suburbs of Glasgow and was doing a good business, and he could offer me 5½% Debentures in it which would last for years. He said this company had a 10 year agreement with the Corporation of Glasgow to take their excess production and by-products: I believed this to be a good concern. I would have staked my life on their word. I had dealt with them so long. He promised a balance sheet of the Scottish Gas Utilities Corporation Ltd., but I never saw one.

4. I arranged that he should sell for me the 300 London & Manchester Life Assurance Co. shares. I signed transfers. I received a contract note for the sale of these shares. I also received contract note for Scottish Gas Utilities Corporation Debentures. I received Notes to the amount of £5,300. [167]

5. I became uneasy and at the end of March I went and saw Elphinstone at 36, New Broad Street, I saw the same man, but not John William Robert Elphinstone. We discussed what he had told me before and he confirmed it and I wanted an interview with someone connected with the Scottish Gas Utilities Corporation. He said, "I don't know if I can get the address", but later he got a clerk to

look it up and said, "I will phone up and you can hear what I say". He telephoned to Mr. S. Taylor and I called the same day and saw Samuel Taylor and the address at which I called was 5, Suffolk Street.

6. When I saw Samuel Taylor he said it was a good thing and I was fortunate to have brokers who could introduce me to such a good security, but he did not know any particulars of them except they had a good name in Scotland. I pressed for Balance Sheet of the Scottish Gas Utilities Corporation. He said later on their accounts would be made up and he would send me one on.

7. I never at any time received a balance sheet of the Scottish Gas Utilities Corporation. I received three dividends, the last one was in July 1936.

8. I am now informed and believe that the contract note for the sale to me of the Scottish Gas Utilities Corporation Notes was signed in the name of Maclean & Henderson in Stanley Grove Spiro's own handwriting, and that the offices of the Scottish Gas Utilities Corporation was at 5, Suffolk Street, the headquarters of Stanley Grove Spiro, and that the shares were worthless to his knowledge and that of his associates at 5 Suffolk Street. [168]

9. If I had not believed that Maclean & Henderson were carrying on an honest and genuine business in February, 1935, and that the Scottish Gas Utilities Corporation, Ltd. was a sound concern I

would not have parted with my 300 London and Manchester Assurance Co. Ltd. shares.

(Sgd. JOHN HENRY TURNER. [169])

As to Charges (b) & (c).

Reginald Harry East on his oath saith as follows:

1. I live at 43, Cliff Hill, Gorleston-on-Sea, and have retired from business.

2. Early in 1935 I began to receive weekly a copy of the "Weekly Financial Review" from a firm called Maclean & Henderson. In the month of June 1935 I sent this firm a list of my investments for their advice, and shortly afterwards received a call from a representative of Maclean & Henderson, who gave the name of Royston.

3. This was on 17th June 1935. After some discussion he advised me to sell certain of my securities and strongly recommended me to put the proceeds into Scottish Gas Utilities Corporation Ltd. and Brucefield Collieries Ltd. Believing these to be genuine concerns and acting on advice which I thought to be sound and disinterested, I gave instructions to Royston to sell shares on my account to the value of £17,000 and to invest the proceeds in these two concerns. On the same day shortly after Royston left, I attempted by telephoning to Maclean & Henderson in London to cancel my instructions to Royston but was informed that they had already been acted upon.

4. My securities were sold and I received Scottish Gas Utilities Corporation Ltd. 5½% Notes to

the nominal value of £6,500, and a certificate for £10,245 Brucefield Collieries Ltd. Debentures.

5. I received warrants for interest on the Scottish Gas Utilities Corporation Ltd. Notes in June 1935, January 1936 and June 1936 but have received no interest since, and I am [170] informed and believe that the Scottish Gas Utilities Corporation Ltd. is now in liquidation and the Notes which I hold are valueless.

6. In August 1935 I received interest for a full year on my holding in Brucefield Collieries Ltd. in the form of a cheque from Maclean & Henderson. I received a further cheque for a half-year's interest in February 1936. Since then I have received no interest payment, and I am informed and believe that the Debentures sold to me were issued on the instigation of Stanley Grove Spiro at a time when there were no assets upon which the Debentures could be secured and that the said Debentures were and are valueless.

7. Not at the time knowing the situation with regard to these two holdings, I continued to do business with the firm of Maclean & Henderson, and in February 1936 instructed them to buy for me 800 Lipton Ltd. 4½% Debenture Stock. I received a contract note purporting to show that this purchase had been made, and I provided money by the sale of shares held by Maclean & Henderson to pay for the Lipton Ltd. Stock. I have never received a certificate for this stock.

8. A little later I instructed Maclean & Henderson to buy for me 300 Great Universal Stores Ltd. shares, and received a contract note purporting to show that this had been done at a total cost of £791.19.6. I have paid for these shares but have never received a certificate in respect of them.

9. I wrote on several occasions to the firm about the non-delivery of the certificates of the Lipton Stock and the Great Universal Stores shares, and in the course of the correspondence between June and August 1936 I was informed in letters from Maclean & Henderson that they had purchased [171] these shares through Messrs. S. R. Bunt & Co., "who are a very old and respectable firm of stockholders" and that they were bringing pressure to bear on them for the delivery of the certificates. I was later told that they were prepared to institute legal proceedings against S. R. Bunt & Co., and finally that on pressure S. R. Bunt & Co., although failing to deliver the shares, had actually sent to Maclean & Henderson a cheque covering the amount involved. Maclean & Henderson finally promised to send their own cheque to me as soon as the cheque from S. R. Bunt had been cleared. This cheque I never received, and I am informed and believe that the firm of S. R. Bunt & Co. was another firm controlled by Stanley Grove Spiro through one Samuel Taylor who was a close associate of Spiro's and who is now being prosecuted

for conspiracy with Spiro, Strakosch and others to defraud the clients of Maclean & Henderson.

10. I have lost through my dealings with Maclean & Henderson in all about £19,000.

11. The shares which I gave to Maclean & Henderson on 17th June 1935, according to the contract notes which I received from the firm were as follows:

500 Associated British Pictures Preference Shares.

1,000 Barclay Perkins & Co. Ordinary Shares.

300 Benskin's Watford Brewery Ordinary Shares.

900 Coronation Syndicate Ltd. 2s/6d. Shares.

300 Daily Mirror Newspapers 8% Preference Shares.

300 Fremlin's Ltd. Ordinary Shares.

1,000 Gamage Ordinary Shares.

1,000 Gold Producers Fixed Trust (1st Series) Sub-Units.

500 Great Universal Stores 5s/- Ordinary Shares.

312 Ind Coope & Co. Ordinary Shares.

£1,000 London County Council 4½% Stock.

600 Meux's Brewery Ordinary Shares.

700 National Fixed Trust "B" Sub-Units.



1205 Smith's Potato Crisps Ordinary Shares.

1,000 Tarkwa Banket West 1s/- Shares.

400 Taylor Walker & Co. Ordinary Shares,  
and 1,050 Peter Walker & Robert Cain Ordinary Shares.

(Sgd.) REGINALD HARRY EAST. [173]

As to Charges (d) and (e).

Peter Daniel on oath saith as follows:

1. I am a Consulting Surgeon and reside at 1a, Upper Wimpole Street, London, W. I.

2. In the summer of 1935 my wife received from time to time a paper called "Financial Review" coming from Maclean & Henderson. I sent to that firm a list of Investments and asked for advice. I received a letter dated 26th July 1935 and enclosed with it was a report.

3. Later that month I got a telephone message followed by a call. The man who called gave the name of Royston. I saw him about five or six times altogether. The last time I saw him was at the end of 1935. I know the man now in the name of Stanley Grove Spiro. I have seen him as Spiro and I was present when he was served with a writ.

4. When Royston called there followed a discussion about my investments. I was anxious to have absolute security and if possible consistent with that a little capital appreciation. He said we should invest in Mortgage Debentures. He would search the Market for suitable debentures of that

kind. He visited me later when one or two of my securities were handed over.

5. From time to time I handed over certain securities to Spiro and received contract notes showing that they had been sold. On 23rd August 1935 I received a contract note purporting to show that Spiro had purchased on my behalf £2,830 Brucefield Collieries Debentures. I was unable to find any mention of these debentures in the Press and subsequently I asked Spiro about them, and asked why they were not quoted on the Stock Exchange. He said the company was a new company recently formed and associated with a Gas Company in Scotland [174] and that the Debentures were a perfectly safe holding. I have never received any Certificate for these Debentures, and I am now informed and believe that they were issued by Brucefield Collieries Ltd. at the direct instigation of Stanley Grove Spiro himself at a time when there were no assets in the Company upon which these debentures could be secured.

6. On or after 23rd August 1935 Stanley Grove Spiro sold further shares on my behalf and I sent a cheque for £1,000 in connection with the purchase of further securities. By 29th October 1935 Spiro held on my behalf, including the £1,000 above referred to, the sum of £10,271.1.10. According to contract notes which I received the following further purchases were made by Spiro with the monies Maclean & Henderson had in hand. On 9th October 1935, 2,200 Chartered shares at 21s/- each total

price including commission and stamps £2,902.8.6. On 29th October 1935, 655 British Oil Cake 10% Preference shares at 27s/-10 Fine Cotton Spinners Debentures at £80, 10 English Electric Debentures at £103.10.0. and 10 Dorman Long Debentures at 104. The total of these supposed purchases on 9th and 29th October 1935 amounts with commission and stamps to £7,377.13.0. I have never received any certificates as a result of these transactions.

7. In the course of my dealings with Spiro he told me that if I rang up Maclean & Henderson and was unable to get in touch with him I was to ask for a Mr. Graham, and to deal with no one else. Mr. Graham is I verily believe Strakosch. Early in the month of December 1935 having received none of the certificates which I had been expecting, I rang up Maclean & Henderson and spoke to the said Graham. He made an excuse that the certificates were often held up, and I subsequently wrote to the firm but was unable to obtain any explanation or satisfaction. [175]

8. I subsequently obtained a judgment for £10,551 but have received only £500 out of that amount. I believed that the firm of Maclean & Henderson was carrying on a genuine business otherwise I would not have parted with my shares and money.

9. The shares which I sent to Stanley Grove Spiro for sale are set out in the following statement which I received from Maclean & Henderson, which gives the date of the transactions:

Aug. 12th	55 Nat. Canning Ord.....	23/3 xd	63. 4. 6
“ 23rd	1060 Ever Ready Ord.....	21/10½	1152.12. 0
“ “	£1180 4% Consols.....	113½	1137.13. 6
“ “	£50 3½% War Stock.....	105½	52. 5. 9
“ “	£500 2½% India Stock.....	70½	351.16. 6
Oct. 9th	Cash .....		1000. 0. 0
“ “	100 Bats. 6% Pref.....	29/3	143.11. 6
“ “	321 “ Ord. ....	110/11½	1759. 5. 7
“ 29th	£Yorksh. Amalg. Prod. Deb.....	77	383.10. 9
“ “	850 Allied Newspaper Ord.....	30/-	1269.10. 0
“ “	1000 Carbo Plaster Ord.....	5/6	271.16. 6
“ “	500 Ideal Building 5% Cum. Pref. ....	17/6	434. 6. 6
“ “	160 Brit. Shareholders Ord.....	32/-	254. 9. 0
“ “	£650 Gaumont Brit. Deb.....	92½	599.13. 0
“ “	400 Thomas Tilling Ord.....	3	1194.17. 0
			£10271. 1.10

(Signed) PETER DANIEL. [176]

As to the Charges Generally and Charges

(b) and (d).

Charles Wood on oath saith as follows:

1. I am a Solicitor at 113, High Street, Kirkcaldy.

2. From about 20th March 1931 to 9th August 1935 I acted as secretary for a company called Brucefield Collieries Ltd. The company was a finance company to purchase properties such as coal mines &c. The immediate object was to purchase “Brucefield”. The price in 1933 was £60,000.

3. I came in touch with Stanley Grove Spiro about the beginning of 1935. Between the beginning of 1935 and July 1935 we completed an agree-

ment at the price of £40,000. The Colliery owners were a family called Dunsmuir. A deposit of £1,500 was to be paid and the balance within six months. A man named Hunter was associated with Stanley Grove Spiro at this time. The deposit of £1,500 was paid. I got the money from Anglo African Corporation Ltd. for Hunter and I paid it over. Hunter was the middle man between the owners of the Colliery the company. He was Chairman and a director of the company. The purchase was not completed by 9th August 1935. I cannot say if it has ever been completed.

4. I pointed out to Stanley Grove Spiro that it was necessary before Debentures could be issued that the Lease of the Colliery should be extended to 31 years to make it registerable and that the purchase price be paid. Spiro was very annoyed and suggested I was putting things in the way. I was told by Hunter that Spiro had sold Debentures earlier.

5. Letters came signed by Samuel Taylor and he did most of the telephoning. I remember a telephone message the [177] day before I resigned, about the debentures. Samuel Taylor was speaking and then Stanley Grove Spiro spoke. Samuel Taylor asked me why the Debentures were not issued and why the Trust Deed was not signed. I explained again the two essentials which I have already given. Then Stanley Grove Spiro came on the telephone and was rather annoyed. He said

“What’s all this about. I insist upon the Trust Deed being signed at once”. I lost my temper and said I would not have it. I had a telephone message from Hunter and he said “I don’t care for Lord Balfour of Burleigh, the Superior Landlord. I am going on with the issue of Debentures without him. I have been advised it is quite alright”. My reply was “Very well I will have nothing more to do with it”. This conversation was on 8th August 1935 and I resigned on 9th August 1935 in writing. Since June 1935 they had been urging the issue of Debentures. I knew that Debenture Notes had been printed. Samuel Taylor Told me. I had wired to him “Hold up printing”. The certificates were not issued until after I had resigned. My resignation was acknowledged by my successor.

6. I received by post a book of Interest Warrants on 8th August 1935. I handed it over as it came. I handed it over to Samuel Taylor in my office. I handed over other documents, a copy of the last minutes of Directors Meeting, Agreement with Dunsmuir, the seal of the company, my draft Trust Deed of Debenture Holders incomplete.

7. I had a claim on the Company at the time I resigned. For over £700. I had a payment from Samuel Taylor, about £150. I got a judgment for the balance. The judgment was against the company. I met Samuel Taylor in Suffolk Street three or four times. Stanley Grove Spiro on one occasion was not there. I looked on Samuel Taylor as

being a clerk of Stanley Grove Spiro. I have only seen Stanley Grove Spiro [178] once or twice in Scotland. I have seen Samuel Taylor once in Scotland.

(Sgd.) CHAS. WOOD. [179]

As to Charges (g).

William Scott on oath saith as follows:

1. I am a Dental Surgeon and live at "Clov-elly", Barr Mill Road, Beith, Ayrshire.

2. I first had transactions with the firm of Maclean & Henderson of Stirling in the year 1930, and from that time up to the end of the year 1935 my dealings with the firm I always found satisfactory.

3. On 3rd April 1936 I received a telephone call from the London office of the firm, the speaker giving his name as Richards. He suggested that I should purchase shares in Associated Electrical Industries. I agreed and sent my cheque for £242.13.6. for the purchase of 100 shares.

4. On 22nd April 1936 I received another telephone call from Richards. He advised me to sell my Associated Electrical Industries shares and to reinvest in Gold Reefs of West Africa shares. He said that the firm of Maclean & Henderson had inside knowledge of this mine and that the shares were in no way speculative but a sound investment. I agreed to the sale of my Associated Electric Industries shares and the reinvestment of my money

in 185 Gold Reefs of West Africa shares at a price of 25/- for a £1 share. These shares in the following month were split into 5/- shares.

5. I had a similar transaction towards the end of May 1936. I had bought Imperial Chemical shares on the advice of Richards but before taking them up he advised me to sell and reinvest in further shares in Gold Reefs of West Africa. Believing these shares to be a good security I bought on 28th May 1936 1,200 5/- shares at 6/3d. I later became [180] anxious about the shares and asked that this last transaction might be cancelled but I was reassured by Richards on the telephone and allowed the transaction to stand.

6. Early in July I gave instructions for the sale of these shares but they were not sold. Towards the end of August I received a letter from a firm called Robert Irving & Co. offering to buy my shares in Gold Reefs of West Africa at 7/4½d. I wrote to Maclean and Henderson stating that I had received this offer and was advised on the telephone by them on no account to accept it.

7. On 7th September 1936 Richards again telephoned to me and strongly urged me to take up a further 3,000 Gold Reefs of West Africa shares stating that the reports were wonderful and that the shares would be listed shortly. I received a contract note for the purchase of a further 1,060 Gold Reefs of West Africa shares but I returned the note as I did not want to go on with the transaction.



8. About a month later I received a telephone message from Richards urging me to take up these shares and stating that the Stock Exchange had given permission for dealing in the shares and that the price had now risen to 7/- a share, and that there would be an issue at 12/6d. a share on 1st December 1936. Believing this to be true I agreed to purchase a further 1,060 shares at the price of 7/- and paid by two cheques a sum of £375.3.6.

9. Late in the month of October 1936 I received a call from a man who gave the name of Stanley of Maclean & Henderson, who suggested that I should buy one further share for every share I held in Gold Reefs of West Africa and confirmed Richards' statement that there would be an issue to the public on 1st December 1936, and added that the price would be 14/- per share. I refused to take any more. [181]

10. On 13th November 1936 I received a telephone call from Richards in London who stated that another concern called the West African Mining Corporation had acquired control of Gold Reefs of West Africa on a share for share purchase. He suggested that I should transfer my Gold Reefs of West Africa shares to West African Mining Corporation shares at a price of 8/6d. a share. This I agreed to do and received two contract notes covering the transaction.

11. I am now informed and believe that West African Mining Corporation shares are valueless and the transfer which I can produce shows that I received 3,000 shares in this concern out of the name of Alexander Graham who I verily believe to be Strakosch. This transfer was not sent to me until 28th January 1937 and on advice I refrained from signing it. In all I paid £994.9.9. in respect of shares which I now believe to be valueless. I would not have parted with this money had I not believed that the firm of Maclean & Henderson were giving genuine and disinterested advice as to the purchase of shares.

(Sgd.) WILLIAM SCOTT. [182]

As to Charge (h):

John Cooper Russell on oath saith as follows:

1. I am a physician and surgeon and reside at 20, Scarisbrick New Road, Southport, Lancashire.

2. Some two years ago I received from the firm of Maclean & Henderson a communication as to certain shares which I then held, and subsequently received from time to time a copy of a weekly journal from that firm.

3. In May, 1936, I received a telephone call from a man giving the name of Richards of Maclean & Henderson, and as a result I had one or two dealings in well-known industrial shares.

4. Early in May, Richards rang me up on the telephone and advised me to buy Gold Reefs of West Africa shares. He said they were very good

shares and were to be on the market in a short time. Believing these shares to be a good security I bought 185 £1 shares at 25/- each. These shares were later split into 5/- shares.

5. From that time onwards I was rung up periodically by Richards and advised to increase my holding in Gold Reefs of West Africa shares. In all between May and October 1936 I purchased 18,105 shares in Gold Reefs of West Africa and paid for these shares by sending good shares to Maclean & Henderson to be sold.

6. In the month of August 1936 at a time when I was being pressed to increase my holding in Gold Reefs of West Africa shares I received an offer from a firm whose name I cannot remember to purchase my Gold Reefs of West Africa shares at a price higher than that which I had paid for them. I sent this [183] letter to Maclean & Henderson and was advised on the telephone by Richards not to accept the offer. I was induced to buy further shares.

7. In the month of October 1936 I received a call from a representative of Maclean & Henderson who gave the name of Simpson. He said that Gold Reefs of West Africa shares were to be on the market in the first week of December and that the original holders were entitled to buy more before the issue to the public was made. He said that it was a sure thing and not a gamble. Believing what I was told by Simpson I increased my holding at this time by the purchase of 6,300 5/- shares at the

price of 6/3d. This way my last purchase and brought my holding up to 18,105 shares.

8. On 13th November 1936 I received a telephone call from Richards. He told me that a concern called the West African Mining Corporation were going to buy half the shares of Gold Reefs of West Africa at a price of 8/6d. a share. This showed a profit to me of 2/3d. a share on my holding of 18,105 shares and I instructed Richards to sell all my shares. The following day I received a contract note purporting to show that these shares had been sold, but instead of receiving the price which was to be paid I received a contract note for the purchase of an exactly similar number of shares in the West African Mining Corporation at the same price of 8/6d. a share.

9. I am now informed and believe that the shares in Gold Reefs of West Africa are and were at all times valueless and that the shares in the West African Mining Corporation were equally worthless. The West African Mining Corporation was I am informed and believe incorporated only on 28th October 1936. It has never had any working capital and at the time when I received the contract note for the purchase of 18,105 shares in that concern the total capital of the company was £1,000 divided into 4,000 5/- shares. [184]

10. In all I have lost through my dealings with Maclean & Henderson £5,714.3.3. If I had not believed that the firm of Maclean & Henderson was

carrying on a genuine business and giving bona fide and disinterested advice to its clients I would not have parted with my shares.

11. The shares which I parted with to Maclean & Henderson in connection with my purchase of 6,300 Gold Reefs of West Africa shares referred to in paragraph 7 above, were:

- 210 Hallamshire Coal Supplies shares,
- 1515 Brooks & Doxey Ltd. shares,
- 120 Tinsley Park Colliery shares,
- 1515 Wigan Coal & Iron shares, and
- 936 J. Compton Sons & Webb Ltd. shares.

I received a letter from Maclean & Henderson dated 20th October 1936 enclosing contract notes for the sale of my shares as above and a contract note for the purchase of 6,300 Gold Reefs of West Africa shares.

(Sgd.) JOHN COOPER RUSSELL. [185]

As to Charge (j):

William Fothergill on oath saith as follows:

1. I am a Cotton Merchant and reside at The Towers, Hightown, Liverpool.

2. Early in the year 1935 I received a communication from the firm of Maclean & Henderson, and have since received from time to time from them a paper called the "Weekly Financial Review". I did one or two small transactions with the firm in 1935.

3. In the month of May 1936 I received a telephone call from a man giving the name of Richards,

who said he was the manager of the London office of Maclean & Henderson. He advised me to buy Associated Electrical Industries shares. I bought 100 shares and paid by cheque therefor £232. 1. 0. Before I had taken up these shares, I received another telephone call from Richards who strongly advised me to sell the shares I had bought and to buy Gold Reefs of West Africa shares. He said they had wonderful information regarding this property. Believing that these shares were a sound investment I agreed that my Associated Electrical Industries shares would be sold and the proceeds reinvested in 725 Gold Reefs of West Africa 5/- shares at 6/3d. each.

4. On or about 30th August 1936 I received a letter from a firm named Robert Irving & Co., of 29 King William Street, London, E. C., offering to buy my holding in Gold Reefs of West Africa at a price of 7/4½d. I was induced by this letter to think that the shares were going up in value, and on the following day 31st August 1936 I received a telephone call from the said Richards strongly advising me to purchase further Gold Reefs of West Africa shares. I purchased 500 further shares and paid £158.3.6 by cheque. [186]

On 19th October 1936 I received a visit from a man who gave the name of Mortimer. He said that on my holding I had a right to purchase a further 5,000 shares in Gold Reefs of West Africa and stated that they would be listed on the Stock Ex-

change within 30 to 60 days at a very handsome premium. I had not sufficient money to finance the whole of this transaction, but believing the shares to be increasing in value I sent a cheque to Maclean & Henderson on 20th October 1936 for £700.0.9. This cheque covered the purchase of a further 2,217 5/- shares in Gold Reefs of West Africa.

6. On 27th October 1936 I received a further visit from Mortimer who told me that a bank in London was prepared to buy any shares in Gold Reefs of West Africa which I held, at 10/- a share within at the latest 60 days. Mortimer assured me that it would be foolish not to buy further shares and that it was a certainty and not a gamble. He said further that I had rights entitling me to purchase up to 8,000. I was thus persuaded to sell 430 Mexican Eagle shares which I held and invest the proceeds in a further 2,250 Gold Reefs of West Africa 5/- shares.

7. In all I was persuaded to buy 5,692 5/- shares in Gold Reefs of West Africa at a cost of just under £1,800. I am informed and believe that these shares are and were practically without value, and that the company has never had any working capital.

8. After seeing an article in the "Investors Chronicle and Money Market Review", I called on 9th November 1936 at 36 Old Broad Street and asked to see the manager, Mr. Richards. I was unable to see him or Mr. Mortimer. Neither of these two persons, if they exist, have ever been traced.

9. I am further informed and believe that the firm of Robert Irving & Co., operated for a short time from the [187] address 29 King William Street, London, E. C., which was merely an address for the receipt of correspondence, and that the letter which I received was sent out on the instructions of Stanley Grove Spiro himself who at the time of the letter was controlling the activities of Robert Irving & Co. One of his own employees, Ethel May Lowry, actually signed letters sent out on Spiro's instructions from Robert Irving & Co.

(Signed) WILLIAM FOTHERGILL. [188]

As to Charge (f):

Frank Plater on his oath saith as follows:

1. I am a partner in the firm of John Plater & Son, of Bradford Street, Birmingham, Manufacturers, and reside at 92 Sandford Road, Moseley, Birmingham.

2. Some two years ago I began to receive the "Weekly Financial Review" from Maclean & Henderson, of 36 New Broad Street, E. C.

3. On 28th July 1936 I received a letter from that firm recommending me to buy the shares of John Brown & Co., Ltd. I gave instructions to them to purchase 50 shares in that company for me, and sent a cheque for £88.0.6. in payment.

4. Subsequently I was telephoned to from time to time by a man who gave the name of Richards, and described himself as manager for Maclean & Henderson. He suggested that I should sell the



shares in John Brown & Co. Ltd. and invest in Gold Reefs of West Africa Ltd. This was on 11th August 1936. I knew nothing about gold mining shares and was unwilling to make the change, but was assured that they were a very successful venture and would turn out better than John Brown & Co. Ltd. shares. I therefore gave instructions that my John Brown & Co. Ltd. shares should be sold and the proceeds re-invested in Gold Reefs of West Africa Ltd. shares.

5. I later received a letter dated 29th August 1936 from a firm named Irving & Co. offering to buy my Gold Reefs of West Africa shares at a profit to me of 1/11½d. per share. I spoke to Richards on the telephone about this offer and he said "Do not sell. I recommend you to buy more". I asked him what he knew about Irving & Co. and he said he had no knowledge of [189] them at all. I did not buy any more Gold Reefs of West Africa Ltd. shares. I am now informed and believe that the shares I hold are worthless.

6. If I had not believed that the firm of Maclean & Henderson were doing a genuine business and giving bona fide advice to their clients I would not have sent my cheque for £88.0.6.

(Sgd.) FRANK PLATER. [190]

As to the Charges Generally.

Benjamin Waters on oath saith as follows:

1. I am a Higher Clerical Officer at the General Post Office, Cornwall House, Stamford Street, S. E.

2. An agreement was entered into relating to the installation of the telephone at 16a Conduit Street, W. It bears the signature of S. Taylor. It concerns the numbers Mayfair 6537, 6538, and 6539. Another agreement in respect of the number Mayfair 6992 also bears the signature of S. Taylor, as does a further agreement in respect of the number Mayfair 3084.

3. It is the custom to keep a record of name, time and personal call. They are all filed. These records show:

Calls to R. H. East, 45 Cliff Hill, Gorleston-on-Sea.  
Telephone number: Gorleston 370.

Date	Number calling	Address of No. calling
2. 7.36.	Whitehall 5075	5, Suffolk St., S. W.
9. 7.36.	“ “	“
6. 8.36.	“ 1869	“
14. 8.36.	London Wall 4396	36, New Broad St., E. C. 2.
17. 8.36.	“ 4396 (Telegram)	“

Calls to J. C. Russell, 20 Scarisbrook New Road, Southport.  
Telephone number: Southport 5062.

Date	Number calling	Address of No. calling
21. 9.36.	Mayfair 6538	16a. Conduit St., W. 1.
13.11.36.	“ 6539	“
23.11.36.	“ “	“
30.11.36.	“ “	“
30.11.36.	“ “	“

Calls to F. Plater, 92 Sandford Road, and Bradford Street,  
Birmingham. Telephone No. Victoria 2869.

[191]

11. 8.36	Mayfair 6538	16a Conduit Street.
20. 8.36	“ “	“
20. 8.36	“ “	“
7. 9.36	“ 6537	“

Calls to William Scott, "Clovelly", Barrmill Road, Beith.  
Ayrshire. Telephone No.: Beith 32.

Date	Number calling	Address of No. calling
7. 9.36	Mayfair 6537	16a Conduit Street, W. 1.
10. 9.36	" "	"
8.10.36	" "	"
2.11.36	" "	"
13.11.36	" 6538	"
17.11.36	" 6539	"
7.12.36	" "	"
12. 1.37	" 6538	"

Calls to F. Jackson, 47 Smeaton Street, North Ormesby.  
Middlebrough. Telephone No.: Middlesbrough 4196.

Date	Number calling	Address of No. calling
20.10.36	Mayfair 6538	16a Conduit Street, W. 1.
30.10.36	" "	"
2.11.36	" "	"
4. 1.37	" 3084	"

Calls to C. H. Row, Chapel House, Long Melford, Suffolk.  
Telephone No.: Long Melford 5.

Date	Number calling	Address of No. calling
20.10.36	Mayfair 3084	16a Conduit Street, W. 1.
20.10.36	" "	"
20.10.36	" 6538	"
22.10.36	" 3084	"
30.10.36	" 6539	"
30.10.36	" 3084	"
6.11.36	" 6539	"

Calls to Wm. Fothergill, The Towers, Hightown, Liverpool.  
Telephone Nos.: Bank \*198 (Liverpool), Blackfriars 1678  
(Manchester.) and Central 1262 (Liverpool)

Date	Number calling	Address of No. calling
31. 8.36	Mayfair 6538	16a Conduit Street, W. 1.
7.10.36	" "	"
27.10.36	" "	"
21.11.36	Whitehall 5075	5 Suffolk Street, S. W.
23.11.36	" "	"

(Sgd.) BENJAMIN WATERS. [192]

As to the Charges Generally.

Charles Walter Engel on oath saith as follows:

1. I am a Company Secretary and reside at 16 Church Road, N. 1.

2. On 17th November 1936 I was engaged as bookkeeper by Mr. John Martin of the firm of Martin Dale & Forsythe of 22 Basinghall Street, E. C. I acted as Registrar of Gold Reefs of West Africa Ltd. I was so employed for a matter of a few months.

3. I called at 29 King William Street, E. C., on several occasions to see the Secretary of the West African Mining Corporation Ltd. Subsequently I acted as Secretary of that Company and I still am the Secretary. I know of the agreement between Mr. Dove and Bukasu Ltd. The 170,000 shares were transferred to Mr. Hickman. I have no idea where Hickman is. I have met him. He is a man about 45. I last saw him at the end of 1936 in this country. I have tried to trace his whereabouts. The capital duties and expenses incurred with the increase of capital to £200,000 would require over £1,000. The stamp duties have been paid, £32 odd. The capital duty has not been paid. There is no money to pay it with. I allotted the shares to Hickman. I was appointed about the end of November 1936. At the time of my appointment there was no Minute Book. I got one when I was appointed. £100 was paid to Mr. Dove's solicitor. **Hickman was never paid £700.** No payments have been made in the Gold Coast. At

the moment the company is without funds. I left Martin Dale & Forsythe early in January 1937. I left to better myself. [193]

I remember meeting a man named Alex Graham. Hickman introduced me to him. Hickman and Graham met in my presence. Hickman who was virtually the owner of the company at that time told me that he was disposing of his block of shares to Mr. Alex Graham and an agreement was signed by Hickman. This agreement although dated 30th November 1936 did not come into being until January 1937. Hickman told me that Graham had said he would supply sufficient funds to work the company. Graham gave me instructions to get new offices, and I found some which were not suitable. Graham said he had found some and we moved into 7 Gresham Street, E. C. I saw no money pass between Graham and Hickman. We had too much accommodation at 7 Gresham Street.

5. Mr. Scully and Mr. King resigned as Directors on 21st January when Graham took over. The next directors of the company were Mr. Ernest Alexander Green, and a Mr. Reginald Chancellor. When Scully and King resigned the company was not properly constituted. Chancellor was a friend of Green. They were purely nominal directors.

6. I saw Graham on 4th February 1937, that was the last occasion. I do not know where he is now. I do not know him by any other name. I have seen a photograph and I identify the photograph, marked 2 as the photograph of Graham.

7. I certified the 170,000 shares out of Graham's name. I certified the whole lot. We moved to 28 Martin Lane, after which I did not see Graham. At the moment no expense has been incurred to develop this property in Africa. No one has been employed in Africa.

(Signed) CHARLES WALTER ENGEL. [194]

As to the Charges Generally.

Frederick William Dove on oath saith as follows:

1. I am a Concessionaire and reside at 32 Park Grove, Edgware.

2. I am the concessionaire of certain Gold properties in the Gold Coast owned by Bukasu Ltd. of which company I am the Chairman. The company and I agreed to sell to the West African Mining Corporation Ltd. certain rights and concessions for £63,500. I was to be paid £300 in cash and £20,000 in 5/- shares fully paid. I received a cheque for £100 on account. I have never had the balance. I have never had the £20,000 worth of shares which were allotted on the same day I received the £100. I agreed to £42,500 worth of shares going to Hickman as my nominee, and that Hickman should get £700 cash. The contract was never carried out. So far as I am concerned they have not carried it out. I never saw Hickman and I never knew him. The agreement I refer to is on the file of the West African Mining Corporation and is dated 28th November 1936.

(Sgd.) FREDERICK WILLIAM DOVE. [195]

As to the Charges Generally:

Claude Morse-Stephens on oath saith as follows:

1. I am an Incorporated Secretary at 29 King William Street, E. C. and reside at "Rockwood", 196 Ewell Road, Surbiton, Surrey.

2. In August 1936 I met Mr. Martin of the firm of Martin Dale & Forsythe of 22 Basinghall Street, E. C. A Mr. King introduced me to him. Mr. Martin said he wanted the use of my office for Robert Irving & Co. I agreed to Robert Irving & Co. using my offices for £5 per month. I did not know who they were. They had a lady clerk in the office most of the day for about a month. She was in a room where I sometimes was. Her name is Miss Phillips.

3. The business done was chiefly with letters. I never saw any signed letters. I never saw any letters written or typed bearing that address. The girl used a desk in the room. I saw nobody connected with the firm, only the young lady. When she left she took everything away with her and brought them back next morning. They remained one month. Martin gave me the £5. After the lady left, letters came and I sent them or took them to Mr. Martin.

4. I accepted the Secretaryship of the West African Mining Corporation and letters addressed to that concern were delivered at my office. This was about November 1936. I took all the letters round to Mr. Martin. I never opened them. In January 1937 I resigned. I had no payment as secretary.

(Sgd.) CLAUDE MORSE-STEPHENS. [196]

## As to the Charges Generally

May Lilian Phillips upon oath saith as follows:

1. I am a shorthand-typist and reside at 130 Shakespeare Crescent, Manor Park, E.12.

2. I was employed as shorthand-typist by Maclean & Henderson starting in January 1935. In order to get that position I went for an interview to 5 Suffolk Street. I had to see a Mr. Klein. Mr. Graham took me from Suffolk Street to New Broad Street a few days later. No one else was working at New Broad Street. If Mr. Stanley is Stanley Grove Spiro I have seen him. I was working alone for a couple of days at New Broad Street. I was typing out reports on various companies the first two days. Mr. Graham gave me the instructions.

3. William Underhill came to work at New Broad Street. He was afterwards manager. So far as I could tell William Underhill was above me and there was no one else in the office. I took instructions from William Underhill. William Underhill signed the correspondence. There was a Miss Underhill there, a daughter. William Underhill dealt with the post unless Alex Graham was there before him then he dealt with it.

4. I did not see John William Robert Elphinstone for some weeks after I went to New Broad Street. He came about 6 o'clock in the evening to sign some letters.

5. Alex Graham used to come to the office at New Broad Street almost every day. Graham dictated all letters as to change of address. [197]



6. One of my duties was to attend to the telephone switchboard. Alex Graham used to ask for a line and get his own numbers. I used to get the Stock Exchange for William Underhill. William Underhill asked me to get Whitehall 3024 for him occasionally.

7. For a time the business at New Broad Street was an ordinary stockbroking business. When filing letters I saw some of the correspondence. I think some of the correspondence was taken away. William Underhill and Green kept the books.

8. I have heard of Mr. Simpson. I think I saw a letter about Mr. Simpson calling. I do not know Mr. Richards. I have heard his name mentioned. I think I saw Stanley a few times but very rarely. He used to talk to clients who had called. I have seen the photograph Exhibit 1 and identify it as the photograph of the man I knew as Mr. Stanley.

9. In April, 1936, I was taken by Alex Graham to S. R. Bunt & Co. 1 Royal Exchange Avenue, E. C. Alex Graham called William Underhill and me into the inner office and Alex Graham told William Underhill that I was going to work in S. R. Bunt & Co. and off we went. There was a Miss Wilson at 1, Royal Exchange Avenue. Taylor's name was on the letter heading of S. R. Bunt & Co. I only saw Samuel Taylor in the office a few times. Alex Graham gave me orders at S. R. Bunt & Co. Alex Graham opened the letters, and gave me some. I did not have all. Others he took away. Alex Graham ceased to come about August 1936. He went

away on holiday. I did not see him after. When he had gone someone called for the correspondence. If the messenger did not call I had a telephone message to take the letters to 5 Suffolk Street. Sydney was the name of the messenger. I drew a wages cheque for myself, commissionaire and petty cash. Cheques were already signed S. R. Bunt & Co. in Samuel Taylor's handwriting. When I got to 5, Suffolk Street I handed the letter usually to Miss Brabyn. [198]

10. I was told by either Samuel Taylor or Alex Graham, I cannot remember who, about Hawker Aircraft shares. This was in the autumn of 1936. I received carbon copies of contract notes. The shares were finally switched to Gold Reefs of West Africa shares, but not in every case, some wished to keep the Hawker shares. About a dozen went into Gold Reefs of West Africa shares. People called at the office asking to see Mr. Taylor. There were very few callers and very little business. When Samuel Taylor was away ill I telephoned Miss Brabyn and told her of the callers. I left at the beginning of November 1936. I have never come across Mr. Keith Lambert or Mr. Brown. I gave a week's notice, and a few days after Miss Croucher came.

11. Alex Graham told me to go to an office in King William Street, E. C. I think it was in July 1936. I stayed for a little while. The name of the firm was Irving & Co. There was a Mr. Stevens or Mr. Stephenson there. I took the correspondence

addressed Irving & Co. to 5, Suffolk Street. I think I went every day and handed them over. The photograph Exhibit No. 2 is the photograph of the man I knew as Alex Graham.

(Sgd.) MAY LILIAN PHILLIPS. [199]

As to the Charges Generally.

Ruby Isabel Croucher on oath saith as follows:

1. I am a typist and reside at 77 Eldon Road, Wood Green, N.

2. I first met Stanley Grove Spiro in 1925. He had the use of an office in the firm by whom I was employed, Greenhouse Sharp & Co.

3. I entered the employment of Stanley Grove Spiro in January 1936. I called and saw him at 5 Suffolk Street. I was engaged as a typist to work at 5 Suffolk Street. I worked at that address for both companies, Scottish Gas Utilities Corporation Ltd. and the Anglo African Corporation Ltd. The staff when I began to work there consisted of Miss Brabyn, Mrs. Lowry, Mr. Taylor and Mr. Graham. (I have heard Graham called Strakosch), Mr. Sharp, myself and a housekeeper. I took my instructions mainly from Stanley Grove Spiro. In Spiro's absence I took instructions from Samuel Taylor. Taylor was secretary of one Company. Graham (otherwise Strakosch) gave me instructions with reference to the firm of Maclean & Henderson.

4. I typed letters, and answered the telephone during the lunch hour in the absence of Miss Brabyn.

Stanley Grove Spiro dictated letters to me with regard to Maclean & Henderson, so did Graham (otherwise Strakosch), not Taylor so far as I remember. I did it on paper headed Maclean & Henderson. I had a small supply. The paper had a Broad Street address. I mentioned to Graham (otherwise Strakosch) when Maclean & Henderson's paper was running short and I got more. [200]

5. Stationery of S. R. Bunt & Co. was also at 5 Suffolk Street. Bunt's address was on the paper. Stanley Grove Spiro sometimes dictated letters with reference to this concern, and also Graham (otherwise Strakosch). When stationery was required for that company I may have mentioned it to Graham or Taylor. When I asked for it I got it.

6. Samuel Taylor dictated letters for the Scottish Gas Utilities Corporation Ltd. He dictated them solely so far as I remember. Anglo African Corporation Ltd. did no business at all while I was there.

7. I went to Bilbao House, 36 New Broad Street, E. C. I went for some days to assist in preparing a list of telephone numbers. When I got there I saw William Underhill. The list was prepared, names and addresses, and we had to add the telephone numbers.

8. I saw John William Robert Elphinstone at 5 Suffolk Street. He used to just come in and out. I saw him a few times. For a time he lived in the flat above 5 Suffolk Street. He was very ill about April or May 1936. William Underhill came to 5 Suffolk

Street, very, very seldom. I saw him there. He came to see Stanley Grove Spiro.

9. Stanley Grove Spiro asked me to go and be a typist at S. R. Bunt & Co. This was early in November 1936. Miss Phillips and a commissionaire was there when I got there. Miss Phillips left after two or three days. I was the only [201] person there with the commissionaire for a few days. When I was there alone I opened the letters. There were not very many. Those I could reply to from records there I did, and those I could not I put aside and they were collected by a messenger, Mr. Sydney, from Suffolk Street. I was there three weeks. Alex Graham never came, Keith Lambert came. Keith Lambert was running S. R. Bunt & Co. I never opened letters after he came. I left a few days after. I did not find myself so busy as at Suffolk Street. I got the same salary. It came to me by post from 5 Suffolk Street. I left on 5th December 1936. I gave a week's notice to leave S. R. Bunt & Co. to Stanley Grove Spiro.

(Sgd.) RUBY ISABEL CROUCHER. [202]

As to the Charges Generally.

Rose Kathleen Watson on oath saith as follows:

1. I am a shorthand typist, and reside at 69 Old Bromley Road, Bromley, Kent.

2. I was employed as a shorthand typist by Stanley Grove Spiro in May 1936. Prior to being employed I called at 5 Suffolk Street, and I had known Stanley Grove Spiro for some time before as

a person who had had business dealing with my employer. I was introduced to Miss Brabyn. Miss Brabyn took me to 16 Conduit Street. I was there introduced to two people, a Mr. John—I do not remember the other one. I thought they were both American. I stayed there about one week. I had not much to do. I just typed some cards with names on them. I did not do any correspondence. Mr. John told me to do the cards. I did not have to use the telephone. Alex Graham paid me my wages. He had been there at Conduit Street before he paid me.

3. I was sent at the end of the week to Bilbao House, 36 New Broad Street, E. C. Stanley Grove Spiro told me to go there on the telephone on the Monday morning. Alex Graham took me there. This was still in May 1936. When I arrived at New Broad Street I was introduced to William Underhill, who I understood was the Manager. From that time until January 1937 I remained in the employ of Maclean & Henderson at 36 New Broad Street.

~~4~~ Until William Underhill left 36 New Broad Street he was the person who usually gave me instructions. I typed letters on his instructions, some of them dealt with Gold Reefs of West Africa shares. William Underhill signed the cheques and endorsed them as a rule. William Underhill attended to the post until he left, then Mr. Green.

[203]

5. Alex Graham came to the office quite frequently. I have never seen John William Robert Elphinstone at the office. I saw Samuel Taylor at

the office. I think once or twice, with Alex Graham. I have never heard of Mr. Simpson. I have heard of Mr. Richards in consequence of someone ringing on the telephone. I never saw Mr. Richards. I saw a Mr. Henderson, he came later on. I knew a Mr. Lambert. I knew him in no other name. He came and spoke to Green after William Underhill had left.

6. If anyone rang up William Underhill would speak to them, then latterly Green would speak to them. Telephone calls came from 5 Suffolk Street quite frequently. I typed letters relating to West African Mining Corporation, but I do not know if any one was sent. I think William Underhill told me to type them just before he left. I never sent any off. I saw Mr. Sydney, he used to call. An envelope was prepared by either William Underhill or Green for Sydney to take away.

7. In January 1937 I was told to go and see Miss Brabyn.

As a result of what she said, I went to 7 Gresham Street. I went early in February 1937. I worked at 7 Gresham Street under the direction of Mr. Engel. The offices were those of the West African Mining Corporation. I had seen Mr. Engel previously at the offices of Gold Reefs of West Africa Ltd. at 22 Basinghall Street. Sydney called at Gresham Street with Mr. Lambert and Mr. Green, and then we moved to 22 Martin Lane about a week after. I was only there two or three days. I never got any

salary while I was with West African Mining Corporation Ltd.

(Sgd.) ROSE KATHLEEN WATSON. [204]

As to the Charges Generally.

Ethel Mary Lowry on oath saith as follows:

1. I am a typist, and reside at 119 Broxholme Road, S.E.

2. I know Stanley Grove Spiro of 5 Suffolk Street. I was first introduced to him at the end of May 1932. He was introduced to me as Mr. Stanley. I was first engaged as a shorthand typist by Stanley Grove Spiro. My duties were to deal with correspondence of the Scottish Gas Utilities Corporation Ltd. I was told to take instructions from a Mr. Aprange. Miss Thow was then in the office. The Anglo African Corporation Ltd. offices were in the same building. They were not separate offices. Samuel Taylor became Secretary and Director of the Scottish Gas Utilities Corporation Ltd. in 1934. I took instructions from Samuel Taylor.

3. Occasionally I went to Stanley Grove Spiro's office at 5 Suffolk Street, and letters were dictated to me to clients of Maclean & Henderson. Maclean & Henderson stationery was there. On one occasion, Spiro handed me the notepaper and a list of names and addresses. I typed the letters, took them to Stanley Grove Spiro and he asked me to sign them. Stanley Grove Spiro dictated two or three letters addressed to clients of S. R. Bunt & Co. The paper was in Miss Croucher's desk.



4. I heard of Brucefield Collieries. I think Stanley Grove Spiro dealt with this matter so far as I know. I have known Alex Graham since the autumn of 1932. I knew him as Mr. Strakosch. I just heard there was an office at 16 Conduit Street. I was asked to ring up Mr. John. I have seen Stanley Grove Spiro write in various disguises.

(Sgd.) ETHEL MARY LOWRY. [205]

As to the Charges Generally.

Alexander Michael Jones on his oath saith as follows:

1. I am Managing Director of Mills Conduit Investments Ltd. of 16 Conduit Street, W.1. Our offices are in 16, Conduit Street.

2. In April 1936 we let an upper part to Stanley Grove Spiro the third and fourth floors of 16, Conduit Street. He said he was looking for offices in the West End and would I let him the premises. The rent was £250 a year payable in advance. He came to the premises frequently. I cannot say if any other persons came. I know Samuel Taylor. He never came to my knowledge. I know Alex Graham. He might have attended. I could not say.

3. Stanley Grove Spiro had had business dealings with us prior to the letting of these premises. I first met Stanley Grove Spiro about August 1934. I only know that Maclean & Henderson were outside brokers established about 1860, and that Stanley Grove Spiro was the proprietor.

4. Stanley Grove Spiro from time to time borrowed money on short dated loans from us. From 10 to 14 days. He sometimes deposited certificates and transfers for these loans. We released numerous securities that had been deposited for sale and Stanley Grove Spiro would send us on their cheque. The cheques were on the North Bank of Scotland, I think. On his instructions on other occasions we sold the stock and paid off the loan. During the period 24th August 1934 and 29th January 1937 we paid by way of advances a number of cheques. Spiro was representing the firm of Maclean & Henderson in these transactions.

5. Sometime in the early part of 1936 Stanley Grove Spiro came and told me that he was going abroad. He brought Alex [206] Graham and introduced him as his assistant and asked should Alex Graham be wanting any money I was to let him have it and he would be responsible for it. He introduced Samuel Taylor to me in the same way. He told me Taylor was his brother-in-law and worked for him and if I lent him money he would be responsible when he came back.

6. In Alex Graham's case he deposited as collateral security Maclean & Henderson cheques. In Samuel Taylor's case I think in one case there was a Maclean & Henderson cheque. There were only about four transactions in Samuel Taylor's case. I think in one case shares were put up for deposit.

7. I have never seen John William Robert Elphinstone before. William Underhill I know as

of Maclean & Henderson. He was brought to me by Stanley Grove Spiro.

8. The actual cheques paid to Stanley Grove Spiro, Alex Graham and Samuel Taylor in connection with the loans referred to above I produced at the trial of Samuel Taylor, John William Robert Elphinstone and William Underhill.

(Sgd.) ALEXANDER MICHAEL JONES.

[207]

As to the Charges Generally.

David Kerman on his oath saith as follows:

1. I am Managing Director of Dunn Trust Limited, of 11, Princess Street, Hanover Square, W.1.

2. In the early part of 1934 I met Stanley Grove Spiro. From the beginning of January 1935 we advanced money to Stanley Grove Spiro in large sums for short dates. We were handed securities in the form of stocks and shares with blank transfers or cheques, sometimes no securities were taken. I have seen a bundle of cheques, mostly made out to Stanley Grove Spiro. The total amount of those cheques is £95,000.

3. I knew of the firm of Maclean & Henderson. It was on behalf of that firm that Stanley Grove Spiro was acting. Some of the securities were of clients of Maclean & Henderson and some were Spiro's own clients. He was an outside broker associated with Maclean & Henderson and also S. R. Bunt & Co. He told me he was substantially in control of both these concerns.

4. Securities were left and we sold them and in some cases Maclean & Henderson sold securities to their own brokers and instructed those brokers to pay the proceeds to my firm.

5. Stanley Grove Spiro and I had conversations from time to time. Stanley Grove Spiro alone was carrying out these transactions. In the early summer of 1936 Stanley Grove Spiro introduced both Alex Graham and Samuel Taylor to me. He told me that they were his assistants and in charge of his office while he was abroad. One or two transactions were carried out with Alex Graham and Samuel Taylor. So far as I remember we had no securities. They deposited Maclean & Henderson cheques and in most cases they were paid. Maclean & Henderson occasionally [208] sent us their clients cheques which they had endorsed.

6. The actual cheques paid to Stanley Grove Spiro, Alex Graham and Samuel Taylor, in connection with the loans referred to above I produced at the trial of Samuel Taylor, John William Robert Elphinstone and William Underhill.

(Sgd.) DAVID KERMAN. [209]

As to the Charges Generally.

Owen Wyatt Williams on his oath saith as follows:

1. I am a Chartered Accountant, and senior partner in the firm of Messrs. Fookes, Wyatt Williams & Hickman, of 796, Salisbury House, London Wall, E.C. 2.

2. I have had access to various books of the firm of Maclean & Henderson, and have seen their banking accounts. No cash book has been found or produced to me. In the Clients Ledger I have examined the accounts in the name of John Henry Turner, Reginald Harry East, Peter Daniel, William Fothergill, Frank Plater, John Cooper Russell and William Scott. I find in certain cases transactions of which they have spoken are not entered in the books at all.

3. In the account of John Henry Turner there is no mention of the sale on his behalf of 300 London & Manchester Assurance Co. Ltd. shares, or of the purchase of £5,300 Scottish Gas Utilities Corporation Ltd. Notes. There is a reference only to a difference of £5.1.0 in connection with this sale and purchase.

4. In the account of Reginald Harry East no mention is made of the sale of securities on 17th June 1935 to the value of over £17,000, nor is there any mention of the purchase of £800 Lipton Ltd. 4½% Debentures on 3rd February 1936, or on any date.

5. In the account of Peter Daniel there is no reference to the sale of 850 Allied Newspapers shares, 400 Thomas Tilling & Sons shares, 650 Gaumont British 4½% First Debentures, 1,000 Carbo Plaster shares, or 500 Ideal Building Preference shares. These shares are said by Mr. Daniels to have been sold by Maclean & Henderson on his account, and contract notes [210] purporting to record these

sales on 29th October 1935 were received by him. I find in the account of Mills Conduit Investments Ltd. with Maclean & Henderson a reference to the sale of these shares on 30th October 1935, and the account further shows that a cheque for the proceeds of this sale was sent to Mills Conduit Investments Ltd. There are other omissions of sales in the account of Peter Daniel and there is no mention of any purchase on his behalf.

6. In the account of William Fothergill in Maclean & Henderson's Clients Ledger there is no mention of the receipt from him of three cheques for £232.1.0, £158.3.6. and £700.0.9. respectively, nor is there any mention of the sale on his behalf of 430 Mexican Eagle shares. There is no mention at all of any purchase of Gold Reefs of West Africa shares on his behalf.

7. There is no account in the Clients Ledger of Maclean & Henderson in the name of Frank Plater.

8. In the Clients Ledger of Maclean & Henderson there is no mention in the account of John Cooper Russell of the sale on 20th October 1936, or at any time, of 210 Hallamshire Coal Supply shares, 100 Brooks & Doxey Ltd. shares, 120 Hinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares and 930 J. Compton Sons & Webb Ltd. shares, nor is there any mention of any purchase of Gold Reefs of West Africa shares on behalf of John Cooper Russell.

9. In the account of William Scott there is no mention of the receipt from him of a cheque for

£242.13.6 in April 1936 or at any time, nor is there any mention of the receipt from him of a cheque for £300 in October 1936 or at any time, nor of a cheque for £75.3.6 in November 1936 or at any time. There is no reference to any purchase on behalf of William Scott of Gold Reefs of West Africa shares. There is also no mention of the sale of Gold Reefs of West Africa shares and the purchase of [211] West African Mining Corporation shares on 13th November 1936, or at any time.

10. I have examined the banking account of Scottish Gas Utilities Corporation Ltd. On the 31st December 1934, at a date when payment of interest on Debentures and 5½% Notes was due, the balance in the account was 13s/5d. On 3rd January 1935 a cheque for £3,030 was paid into the Scottish Gas Utilities Corporation account from the Anglo African Corporation. The account of the Anglo African Corporation on the day before this cheque was paid had in it a credit balance of only £17.7.3. but on the 2nd January 1935 a cheque for £4,032 from the account of Maclean & Henderson went into the Anglo African Corporation account. It will thus be seen that the source of the payment of interest by the Scottish Gas Utilities Corporation in January 1935 was from Maclean & Henderson.

11. At the next date when interest on the Scottish Gas Utilities Corporation Debentures and Notes became due, namely on 1st July 1935, the Scottish Gas Utilities Corporation had a credit balance on their current account of £13.16.11. Two cheques for

the total value of £2,297.10.0. drawn by the Dunn Trust Limited to Stanley Grove Spiro on 5th July 1935 were paid into the accounts of Scottish Gas Utilities Corporation. These cheques which are referred to amongst others by David Kerman in his deposition were advances to Stanley Grove Spiro.

12. A similar transaction was carried through on 3rd January 1936 through the Mills Conduit Investments Ltd., at a time when the credit balance of Scottish Gas Utilities Corporation Current account consisted of 10s/11d.

13. At no time after the beginning of 1935 does the current account of the Scottish Gas Utilities Corporation with Barclays Bank show the receipt of any substantial sums other than those to which I have referred. [212]

14. I have investigated a series of transactions between Stanley Grove Spiro and the Mills Conduit Investments Ltd., and between Stanley Grove Spiro and the Dunn Trust Ltd. In each case Stanley Grove Spiro appears to have been acting throughout on behalf of Maclean & Henderson.

15. In the transactions with Mills Conduit Investments Ltd. Stanley Grove Spiro, Alex Graham (otherwise Strakosch), and Samuel Taylor received a large number of cheques by way of advances between August 1934 and September 1936. The total value of these cheques was £189,585.10.6. 116 of these cheques representing a total value of over £137,000 were converted into cash, and cheques to



the value of over £19,000 were paid to the Anglo African Corporation Ltd.

16. In the series of similar transactions with the Dunn Trust Ltd., between January 1935 and February 1937, Stanley Grove Spiro and his two associates, Alex Graham (*other* Strakosch) and Samuel Taylor, received cheques to the total amount of £95,848.13.8. 58 of these cheques were converted into cash, representing a total value of over £64,000, and cheques to the value of over £13,500 were paid to the Anglo African Corporation Ltd. It will be seen that by this method Stanley Grove Spiro was able to convert securities sent by clients of Maclean & Henderson into ready money.

(Sgd.) OWEN WYATT WILLIAMS. [213]

As to the Charges Generally.

George Edmund Walker Bridge on his oath saith as follows:

1. I am Secretary of the Trustees of Sir Francis Graham Moon Bart, deceased, and reside at "Dytchley", Woking, Surrey.

2. The Trustees are the landlords of 1 Royal Exchange Avenue, E.C. An agreement was entered into on 20th April 1936. I had an interview with Taylor beforehand, and a Mr. Graham came with the person who signed the agreement.

3. Shortly before Xmas 1936 the name of Taylor was taken down from outside the building and another name, Keith Lambert, put up. I allowed Lambert to remain on sufferance. The amount due

for rent was ultimately paid in part. The premises were vacated round about 26th February 1937.

(Sgd.) GEORGE EDMUND WALKER BRIDGE.

[214]

As to Charge (K)

Francis Jackson on oath saith as follows:

1. I am a Butcher and carry on business at 47-49 Smeaton Street, North Ormesby, Middlesbrough, Yorkshire. I reside at 136 High Street, Marske by Sea, Yorks.

2. Some years ago I had dealings with a firm called S. R. Bunt & Co., which were quite satisfactory. In 1936 I began to receive a Stock Market News publication from that firm.

3. On 20th October 1936 I received a telephone call from S. R. Bunt & Co. and spoke to a man who gave the name of Stanley. He said I was an old customer of the firm and it was some time since I had done any business with them. He was anxious to start business with me again and recommended a purchase of Hawker Aircraft shares. I agreed to purchase there shares and sent a cheque to S. R. Bunt & Co. for £337.8.6. and received a contract note. Before the transaction was completed Stanley rang me up again and suggested that I should sell my Hawker Aircraft shares and reinvest in Gold Reefs of West Africa shares. This I agreed to do believing that Gold Reefs of West Africa shares were a good security, and received contract notes dated 2nd November 1936 for the sale of my Hawker

Aircraft shares at a profit and the purchase of 1,160 Gold Reefs of West Africa 5s. shares at 6/3d. As I did not see these shares quoted on the Stock Exchange I wrote to S. R. Bunt & Co. and received a reassuring reply.

4. On 4th November 1936 a man giving the name of Mortimer called at my address in Middlesbrough. He produced a letter of authority from S. R. Bunt & Co., and told me that Gold Reefs of West Africa shares had gone up in price to 8/6d. a share. He advised me to sell my shares and buy West African Mining Corporation shares at the same price saying that the latter would be going up. I therefore gave instructions to S. R. [215] Bunt & Co. to sell my Gold Reefs of West Africa shares and to purchase 3,000 West African Mining Corporation shares. I received contract notes covering these transactions and sent a cheque for £795 the balance due from me.

5. Later I had a further call from Mortimer who said that I as an old customer of the firm had had 10,000 West African Mining Corporation shares reserved for me, that these shares were worth considerably more than their present price, but that I could have a further 7,000 at 8/6d. He said there was a man of influence in the Prudential Assurance Company interested in the West African Mining Corporation. Believing that these shares were a sound investment I agreed to purchase a further 7,000 and gave Mortimer a cheque for £2,975. I did not receive certificates for either my 3,000 or my 7,000 purchase of these shares, but received a letter

dated 1st February 1937 enclosing two certified transfers, one for 3,000 shares and for 7,000 shares out of the name of Alex Graham.

6. I am now informed and believe that these shares are worthless and that the said Alex Graham is Strakosch, a close associate of Stanley Grove Spiro. I am further informed and believe that the activities of S. R. Bunt & Co. were controlled by Stanley Grove Spiro through one Samuel Taylor. I am also informed and believe that Stanley Grove Spiro used the name of Stanley in connection with the purchase of the business of the firm called Maclean & Henderson who in the year 1936 were dealing extensively first in Gold Reefs of West Africa shares and later in West African Mining Corporation shares, and that a person giving the name of Mortimer called upon clients of Maclean & Henderson in relation to the purchase of these same shares.

7. In all I have spent over £4,100 in the purchase of shares which I now believe to be worthless.

(Sgd.) FRANCIS JACKSON. [216]

As to Charge (1)

Charles Henry Row on oath saith as follows:

1. I am an Insurance Broker, and live at Chapel House, Long Melford, Suffolk.

2. Some years ago I had business with the firm of S. R. Bunt & Co., and in those dealings everything was satisfactory.

3. On or about 20th October 1936 I received a telephone call from S. R. Bunt & Co. No name was

given me but that of the firm, but the speaker advised me to buy Hawker Aircraft shares. I agreed to do so and sent a cheque for £202.13.6 the price with commission and fees of 120 of these shares.

4. Before I took up the shares I was rung up on the telephone and advised to sell and re-invest the proceeds in Gold Reefs of West Africa. Acting on this advice, I agreed that S. R. Bunt & Co. should sell my Hawker Aircraft shares and invest the proceeds in 600 Gold Reefs of West Africa shares at 6/3d per share. This was done. I believed these shares were a good investment.

5. On the 9th November 1936 I received a visit from a man who gave the name of Mortimer and produced an authority signed S. R. Bunt & Co., authorising him to represent that firm. He told me that Gold Reefs of West Africa had gone up and advised me to sell the shares at 8/6d each, which showed a profit to me of 2/3d a share. He strongly advised me to buy 5,000 West African Mining Corporation shares at the same price of 8/6d. I agreed to take 1,000 of these shares at once, and was given an option for a month to buy a further 4,000 at the same price of 8/6d. I gave S. R. Bunt & Co. a cheque for £170, but did not exercise my option [217] although it was extended at a later date. I asked for a balance sheet of the company but never received any.

6. After some correspondence about these shares, I called at the office of S. R. Bunt & Co. on 22nd January 1937 and saw a man named Keith Lambert,

and informed him that I wished to sell my shares. He told me that Samuel Taylor, whose name appeared on the notepaper of S. R. Bunt & Co. at the time of my first purchase of Gold Reef shares, was ill, and that Mortimer was still with the firm.

7. I received a transfer for the 1,000 shares in the West African Mining Corporation Ltd. out of the name of Alex Graham, his signature being witnessed by someone giving the address No. 36, Old Broad Street, E.C.

8. S. R. Bunt & Co. never sold my shares in the West African Mining Corporation, and when I wrote a letter to them on 16th February 1937 it was returned through the Dead Letter Office.

9. I am now informed and believe that both Gold Reefs of West Africa shares and West African Mining Corporation shares are worthless. When I bought the shares I believed that the firm of S. R. Bunt & Co. was a genuine firm, giving honest and disinterested advice to its clients.

(Sgd.) CHARLES HENRY ROW. [218]

As to the Charges Generally.

Edwin Clayton on his oath saith as follows:

1. I am a Solicitor, and a Chief Clerk in the Department of the Director of Public Prosecutions, 1, Richomnd Terrace, Whitehall, S.W. 1. I am well acquainted with the Criminal Law.

2. Section 32 of the Larceny Act, 1916, by subsection (1) provides that every person who by any false pretence with intent to defraud, obtains from

any other person any chattel, moneys or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person, shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding five years.

3. Section 20 of the Larceny Act, 1916, by subsection (1) (iv) (a) provides that every person who being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

4. Section 20 of the Larceny Act, 1916, by subsection (1) (iv) (b) provides that every person who having either solely or jointly with any other person received any property for or on account of any other person; fraudulently converts to his own use and benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; shall be [219] guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

5. By section 46 of the Larceny Act, 1916, "property" includes any description of real and personal property and all deeds and instruments relating to or evidencing the title or right to any property, and includes not only such property as has been in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged; and by the same section of the same Act "valuable security" includes any writing entitling or evidencing the title of any person to any share in any company, or any order or security for the payment of money.

(Sgd.) EDWIN CLAYTON. [220]

As to the Charges Generally.

Thomas Gankerseer on his oath saith as follows:

1. I am a Detective Inspector of the City of London Police, and have been making enquiries into this matter on behalf of the Director of Public Prosecutions.

I have also made enquiries with a view to locating Stanley Grove Spiro and Alexander Strakosch, alias Alex Graham, but their present whereabouts appear to be unknown.

I have reason to believe that they have left this country.

I attach, marked "1", a photograph of Stanley Grove Spiro, whose description I have ascertained is, age about 36 years, 5 feet 8 or 9 inches, well built, hair brown, very bald on top, eyes blue, complexion sallow, long shaped head, full face, clean shaven,



scars on head and chin, a South African Jew. Holder of British Passport No. 87729/29.

I attach, marked "2", a photograph of Alexander Strakosch, alias Alex Graham, whose description I have ascertained is, age 28 years, 5 feet 9 inches, medium build, wavy brown hair, complexion fresh, clean shaven, an Austrian, holder of Austrian Passport No. 537847, issued in London on 12th January 1937.

I now believe Alexander Strakosch (alias Alex Graham) and Stanley Grove Spiro to be in Berlin.

(Sgd.) THOMAS GANKERSEER. [221]

"1"

(Photograph of Stanley Grove Spiro) [222]

"2"

(Photograph of Alexander Strakosch, alias Alex Graham.) [223]

### WARRANT.

Duplicate Original.

To each and all of the Constables of the Police Force for the City of London and the Liberties thereof, and to all other Constables and Peace Officers in the said City and Liberties.

[Printed Crest.]

City of London to wit.

Whereas Stanley Grove Spiro late of 5 Suffolk Street, Pall Mall, London S. W. 1. and Alex Graham (otherwise Strakosch) late of

5 Suffolk Street, Pall Mall, London, S. W. 1. (hereinafter called the "Accused,") have this day been charged upon Oath before the undersigned, one of the Aldermen of the City of London, being one of His Majesty's Justices of the Peace in and for the said City and the Liberties thereof, for that the said Accused, in the said City, on the (a) eighth day of February 1935 with intent to defraud did cause or procure to be delivered by John Henry Turner to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 300 shares in the London & Manchester Assurance Co. Ltd. of the value of £5,757-10-0, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that the Debentures and 5½% £100 Notes of the Scottish Gas Utilities Corporation Limited were a sound investment, and that the said £100 Notes were then worth £107-10-0.

Contrary to section 32 (1) of the Larceny Act, 1916.

(b) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 17th day of June, 1935, in the City of London, with intent to defraud, did cause or procure to be delivered by Reginald Harry East

to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean and Henderson, certain valuable securities, to wit, 500 Associated British Pictures Preference shares, 1,000 Barclay Perkins & Co., Ordinary shares, 300 Benskin's Watford Brewery Ordinary shares, 900 Coronation Syndicate Ltd. 2s/6d. shares, 300 Daily Mirror Newspaper 8% Preference shares, 300 Framlin's Ltd. Ordinary shares, 1,000 Gamage Ordinary shares, 1,000 Gold Producers Fixed Trust (1st Series) Sub-Units, 500 Great Universal Stores 5s/- Ordinary shares, 312 Ind Coope & Co. Ordinary shares, £1,000 London County Council 4½% Stock, 600 Meux's Brewery Ordinary shares, 700 National Fixed [224] Trust "B" Sub-Units, 1205 Smith's Potato Crisps Ordinary shares, 1,000 Tarkwa Basket West 1s/- shares, 400 Taylor Walker & Co. Ordinary shares, and 1,050 Peter Walker & Robert Cain Ordinary shares, together of the value of £17,508-5-0 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that £100 Debentures in Brucefield Collieries Ltd. were a sound investment, and that they were then worth £100, and that 5½% £100 Notes of the Scottish Gas Utilities Corporation Ltd. were a sound investment, and that the said £100 Notes were then worth £107-10-0.

Contrary to section 32 (1) of the Larceny Act, 1916.

(c) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 3rd day of February, 1936, in the City of London, being entrusted by Reginald Harry East with certain property, to wit, £784, in order that they might apply it to the purchase of £800 Lipton Ltd. 4½% Debentures, did fraudulently convert the same to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson,

Contrary to section 20 (1) (iv) (a) of the Larceny Act, 1916.

(d) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 23rd day of August, 1935, in the City of London, with intent to defraud, did cause or procure to be delivered by Peter Daniel to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities, to wit, 1,060 Ever Ready Ltd. Ordinary shares, £1,108 4% Consols, £50 3½% War Stock, and £500, 2½% India Stock, together of the value of £2,903-14-9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36 New Broad Street, E. C., and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares,

Contrary to section 32 (1) of the Larceny Act, 1916.

(e) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 10th day of October, 1935, in the City of London, having received certain property, to wit a cheque for the payment of £1,000 for and on account of Peter Daniel, did fraudulently convert the same and the proceeds thereof to the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson.

Contrary to section 20 (1) (iv) (b) of the Larceny Act, 1916.

(f) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 3rd day of August, 1936, in the City of London, with intent to defraud did cause or procure to be delivered by Frank Plater to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson a certain valuable security, to wit, a cheque for the payment of £88-0-6, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36 New Broad Street, E. C. and that the said firm then was prepared to give [225] honest advice as to the purchase and sale of stocks and shares,

Contrary to section 32 (1) of the Larceny Act, 1916.

(g) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 10th day of October, 1936, in the City of London, with intent to defraud did cause or procure to be delivered by William Scott to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £300 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment and increasing in value, and that they were then worth 7s/- a share,

Contrary to section 32 (1) of the Larceny Act, 1916.

(h) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 20th day of October, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by John Cooper Russell to Maclean & Henderson, for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, certain valuable securities to wit, 210, Hallamshire Coal Supplies shares, 100 Brooks & Doxey shares,

120 Tinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares, and 936 J. Compton Sons & Webb shares, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d, each.

Contrary to section 32 (1) of the Larceny Act, 1916.

(j) And Further for that They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 20th day of October, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by William Fothergill to Maclean & Henderson for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of Maclean & Henderson, a certain valuable security, to wit, a cheque for the payment of £709-0-9, by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36, New Broad Street, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in Gold Reefs of West Africa Ltd. were a sound investment, and that they were then worth 6s/3d each,

Contrary to section 32 (1) of the Larceny Act, 1916.

(k) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 4th day of December, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by Francis Jackson to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co. a certain valuable security, to wit, a cheque for the payment of [226] £2,975, by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares, and that 5s/- shares in the West African Mining Corporation Ltd. were a sound investment, and that they were then worth more than 8s/6d a share.

Contrary to section 32 (1) of the Larceny Act, 1916.

(l) And Further for That They the Said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) on the 9th day of December, 1936, in the City of London, with intent to defraud, did cause or procure to be delivered by Charles Henry Row to S. R. Bunt & Co. for the use and benefit of themselves the said Stanley Grove Spiro and Alex Graham (otherwise Strakosch) and of S. R. Bunt & Co. a certain



valuable security, to wit, a cheque for the payment of £170. by falsely pretending that the said firm of S. R. Bunt & Co. then was carrying on an honest and genuine business as investment brokers at 1, Royal Exchange Avenue, E. C. and that the said firm then was prepared to give honest advice as to the purchase and sale of stocks and shares and that 5/- shares in the West African Mining Corporation Ltd. were a sound investment and they were then worth more than 8s/6d a share.

Contrary to section 32 (1) of the Larceny Act, 1916.

These Are Therefore to Command You, in His Majesty's Name, forthwith to apprehend the said Accused, and to bring him before me, or some other of His Majesty's Justices of the Peace for the said City, at the Guildhall Justice Room in the said City, to answer unto the said Charge, and to be further dealt with according to Law.

Given under my Hand and Seal this 13th day of Sept. 1937, at the Guildhall Justice Room aforesaid.

[Seal]

H. TWYFORD,

Alderman,

Justice of the Peace for the  
said City.

Secretary of State Home  
Department. [227]

City of London, to wit.

I, the undersigned, one of the Aldermen and Justices of the Peace, acting in and for the said City of London, and sitting at the Guildhall Justice Room, in the said City, do hereby certify: that the typewritten matter, being pages one to seventy-nine hereof, is a true copy of the Information of the Director of Public Prosecutions and the Depositions in support thereof of:

Peter McIntyre Hunter, Luis Sancha, Agnes Elizabeth Payn, George William Baldwin, Leonard Peter Darsley, Francis Joseph Mildner, John Henry Turner, Reginald Harry East, Peter Daniel, Charles Wood, William Scott, John Cooper Russell, William Fothergill, Frank Plater, Benjamin Waters, Charles Walter Engel, Frederick William Dove, Claude Morse-Stephens, May Lilian Phillips, Ruby Isabel Croucher, Rose Kathleen Watson, Ethel Mary Lowry, Alexander Michael Jones, David Kerman, Owen Wyatt Williams, George Edmund Walker Bridge, Francis Jackson, Charles Henry Row, Edwin Clayton and Thomas Gankerseer.

Now I Further Hereby Certify that the said Depositions of:

Peter McIntyre Hunter, Luis Sancha, Agnes Elizabeth Payn, George William Baldwin, Leonard Peter Darsley, John Henry Turner, Reginald Harry East, Charles Wood, William Scott, John Cooper Russell, Frank Plater, Benjamin Waters, Frederick William Dove, Ruby Isabel Croucher, Rose Kathleen Watson, Ethel Mary Lowry, Alexander Michael

Jones, Owen Wyatt Williams, George Edmund Walker Bridge, Francis Jackson, Charles Henry Row, and Edwin Clayton, were sworn before me, the said Alderman and Justice on the 27th day of August 1937 at the Guildhall Justice Room aforesaid. [228]

And I Further Hereby Certify that the Depositions of:

Claude Morse-Stephens, Francis Joseph Mildner, Peter Daniel, Thomas Gankerseer, Charles Walter Engel and May Lilian Phillips were sworn before me, the said Alderman and Justice on the 6th day of September 1937 at the Guildhall Justice Room aforesaid,

And I Further Hereby Certify that the Depositions of:

David Kerman and William Fothergill were sworn before me, the said Alderman and Justice on the 13th day of September 1937 at the Guildhall Justice Room aforesaid,

And I Further Hereby Certify that attached to the said Information and Depositions are true copies of Exhibits marked respectively 1 and 2, referred to in the said sworn Deposition of the said Thomas Gankerseer,

And I Further Hereby Certify that upon the said Information and sworn Depositions with the Exhibits therein referred to I granted my Warrant for the arrest of the said Stanley Grove Spiro and the said Alex Graham (otherwise Strakosch) for the crimes specified in the said Information;

And I Further Hereby Certify that the document exhibited hereto and marked "A" is a true copy of the Warrant issued by me on the 13th day of September 1937, upon and in pursuance of the said Information, Depositions and Exhibits.

Given under my hand and seal at the Guildhall Justice Room, in the said City, this 13th day of September, 1937.

[Seal]

H. TWYFORD

Alderman of and Justice of the Peace acting in and for the City of London.

Secretary of State Home Department.

[Endorsed]: 5774 U. S. Dist. Court So. Dist. of Cal. Divi. British Consul's Exhibit 1. Filed Dec. 10/37. Head, Com'r.

[Endorsed]: 13401-H Cr. Filed Jan. 11, 1938. R. S. Zimmerman, Clerk. By Edmund L. Smith, Deputy Clerk. [229]

BRITISH CONSUL'S EXHIBIT NO. 2

James A. Clay & Co.  
Investment Securities  
650 South Spring Street  
Los Angeles, California  
Trinity 2111

November 30, 1937

Mr. S. T. Hankey  
747 Title Insurance Bldg.  
Los Angeles, Calif.

Dear Mr. Hankey:

In accordance with your request of the 29th, I have obtained markets on the attached list of London securities through A. E. Ames & Company of New York.

As no records were available in this country on the prices of these stocks in any past period, it was necessary to obtain prices from London, therefore we authorized A. E. Ames & Company of New York to call London for these markets. We will bill you for whatever wire expense is billed us for obtaining this information.

Yours very truly,

JAMES A. CLAY & COMPANY.

By M. W. GIDDINGS

MWG-BC

Encl.

February 10, 1936

£800	Lipton, Ltd. 4½ Deb. @ \$99.00 Flat per 20£.....	\$3,960.00
300 shs	Great Univ. Store @ \$12.50 per sh.....	3,750.00

As of June 17, 1935

500 shs.	Assoc. British Piet. Pref. shs @ \$ 4.95	2,475.00
1000 "	Barclay Perkins & Co. Ord. Sh. @ \$ 9.85	9,850.00
300 "	Benskin's Watford Brewery	
	Ord. Sh. @ \$18.50	5,550.00
900 "	Coronation Synd. @ .65	595.00
300 "	Daily Mirror News 8% Pref. @ \$ 8.20	2,460.00
300 "	Fremlins, Ltd. Ord. Sh. @ \$ 9.40	2,820.00
1000 "	Gamage Ord. Sh. @ \$ 4.60	4,600.00
1000 "	Gold Prod. Fixed Trust	
	(1st Ser) Sub Units @ \$ 7.05	7,050.00
500 "	Great Univ. Stores 5s/ Ord. Sh. @ \$13.10	6,550.00
312 "	Ind. Coope & Co. Ord. Sh. @ \$26.00	8,112.00
£1000	London County Council 4½ Stk. @\$115.50 per 20£	5,575.00
600 shs	Meux's Brewery, Ord. Sh. @ \$11.90	7,140.00
700 "	Nat'l Fixed Trust "B" Sub Units @ \$ 5.20	3,640.00
1205 "	Smith's Potato Crisps, Ord. Shs. @ \$ 6.65	8,013.25
1000 "	Tarkwa Banket West 1s/Sh @ \$ 1.41	1,410.00
400 "	Taylor Walker & Co. Ord. Sh. @ \$11.20	4,480.00
1050 "	Peter Walker & Robert Cain.	
	Ord. Sh. @ \$ 4.30	4,515.00

As of February 8, 1935

300 "	London & Manchester Assur., Ltd. @ \$83.75	25,125.00
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[251]

Month of October 1936

21 shs	Hallamshire Coal Supp. Shares @ \$ .40	8.40
1515 shs	Brooks & Doxey Ltd. Shares @ \$ .05	75.75
120 "	Tinsley Park Colliery Sh. @ \$ 6.50	780.00
1515 "	Wigan Coal & Iron Sh. @ \$ 3.80	5,757.00
936 "	J. Compton Sons & Webb Ltd. @ \$ 3.05	2,854.80

[252]

[Endorsed]: 5774 U. S. Dist. Court So. Dist. of Cal. Div. British Consul's Exhibit 2. Filed Dec. 10/37 Head, Com'r.

[Endorsed]: Filed Jan. 11, 1938. 13401-H Cr. R. S. Zimmerman, Clerk. By Edmund L. Smith, Deputy Clerk.

[Title of District Court and Cause.]

PETITION FOR APPEAL.

To the Honorable Harry A. Hollzer, Judge:

The above named Appellant, petitioner herein, deeming himself aggrieved by the order and judgment made and entered herein by the above entitled Court on the 18th day of March, 1938, adjudging, holding, finding and decreeing that the above named Respondent Alex Graham, alias Strakosch (petitioner for a Writ of Habeas Corpus) was entitled to his discharge under the said Writ of Habeas Corpus and the Minute Order of the same date ordering his discharge from custody, does hereby appeal from the said orders and judgment to the Circuit Court of Appeals for the Ninth Circuit for the reasons specified in the Assignment of Errors which is filed herewith and prays that the appeal be allowed and that citation issue as provided by law and that a transcript of the record, proceedings and papers upon which the said Order and Judgment was [233] based, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit sitting at San Francisco,

And your Petitioner (Appellant) further prays that a Warrant do issue, ordering the United States Marshal to arrest the said Respondent Alexander Strakosch and that said Respondent be ordered to be enlarged only upon recognizance in an amount to be fixed by the Court, with surety, to be approved by the Clerk of the Court, for his appearance to

answer the judgment of the said Circuit Court of Appeals, in accordance with Rule 33, sub-Rule 3 of the Rules of the said Circuit Court of Appeals,

And your Petitioner (Appellant) further prays that the proper order touching the security to be required of him to perfect his appeal be made.

Dated: April 8th, 1938.

S. T. HANKEY,

F. J. FINUCANE,

Attorneys for Appellant and  
Petitioner.

[Endorsed] Filed Apr. 8, 1938. [234]

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[Title of District Court and Cause.]

#### ASSIGNMENT OF ERRORS.

Comes now the above named Appellant in the above numbered and entitled cause and in connection with the Application for Appeal in this cause, assigns the following Errors which Appellant avers occurred on the trial thereof and on which he relies to reverse the judgment entered, as appears of record:

1. The District Court erred in overruling the Demurrer to the Traverse to the Return to the Writ of Habeas Corpus.

2. The District Court erred in denying the Motion to Dismiss the Writ of Habeas Corpus.

3. That the District Court erred in concluding, as to the offence described in the Second Amended



Complaint, to-wit, Para. VIII-a, Subdivision a thereof, namely an offence with respect to John Henry Turner, that at no time did Respondent directly or in- [236] directly make any representations to said Turner, or otherwise deal with him.

4. The District Court erred in concluding, as to the offences described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivisions (b), (c-1) and (c-2) thereof, namely offences committed with respect to Reginald Harry East, that at no time did Respondent directly or indirectly make any representation to said East or otherwise deal with him.

5. The District Court erred in concluding, as to the offences described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivisions (d) and (e) thereof, namely offences committed with respect to Peter Daniel, that at no time did Respondent directly or indirectly make any other representations to said Daniel, except when said Daniel was inquiring for securities which he had bought, Respondent informed him the securities were often held up, and that Respondent did not otherwise deal with said Daniel.

6. The District Court erred in concluding, as to the offence described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivision (f) thereof, namely an offence committed with respect to Frank Plater, that at no time did Respondent directly or indirectly make any representation to said Plater or otherwise deal with him.

7. The District Court erred in concluding, as to the offences described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivisions (g-1), (g-2) and (g-3) thereof, namely offences committed with respect to William Scott, that at no time did Respondent directly or indirectly make any representation to said Scott or otherwise deal with him.

8. The District Court erred in concluding, as to the offence described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivision (h) thereof, namely an offense committed with respect to John Cooper Russell, that at no time did Respondent directly or indirectly make any representation to said Russell or otherwise deal with him. [237]

9. The District Court erred in concluding, as to the offences described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivisions (j-1), (j-2) and (j-3) thereof, namely offences committed with respect to William Fothergill, that at no time did Respondent directly or indirectly make any representation to said Fothergill or otherwise deal with him.

10. The District Court erred in concluding, as to the offences described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivisions (k-1), (k-2) and (k-3) thereof, namely offences committed with respect to Francis Jackson that these offences were committed after Respondent had left the employ of S. R. Bunt & Co. and that at no time did Respondent directly or indirectly make any representation to said Jackson or otherwise deal with him.

11. The District Court erred in concluding, as to the offences described in the Second Amended Complaint, to-wit, Para. VIII-a, Subdivisions (1-1) and (1-2) thereof, namely offences committed with respect to Henry Row, that the said offences were committed after Respondent had left the employ of S. R. Bunt & Co., and that at no time did Respondent directly or indirectly make any representation to said Row or otherwise deal with him.

12. The District Court erred in concluding that Respondent did not at any time own, also that he did not at any time represent himself as owning and that he was not at any time held out as owning any interest either in the firm of Maclean & Henderson or in the firm of S. R. Bunt & Co.; also that Respondent was not the Manager of either of said firms; also that he did not represent either of said firms in any of the transactions relating to the deposit, with either of said firms, of any of the securities or any of the checks or funds by any of the persons mentioned in the Second Amended Complaint; also that he did not receive any of the securities or any of the checks or funds deposited with either of said firms as alleged in said Second Amended Complaint; and also that he did not [238] represent either of said firms in any of the transactions upon which any of the offences described in said Second Amended Complaint are based.

13. The District Court erred in concluding that the evidence presented before the Commissioner

was insufficient to justify a finding to the effect that there was a probability that any one of the specific crimes described in said Second Amended Complaint had been directly committed by the Respondent or that he had directly participated in the commission of the same.

14. The District Court erred in concluding that the evidence presented before the Commissioner was insufficient to justify a finding to the effect that Respondent had had knowledge of the wrongful purpose of any of the persons engaged in the perpetration of any of the specific crimes described in the Second Amended Complaint and had counseled and encouraged such person in the commission thereof.

15. The District Court erred in concluding that the evidence presented before the Commissioner was insufficient to justify a finding to the effect that a person of ordinary caution and prudence would believe and conscientiously entertain a strong suspicion that the Respondent was guilty of any one of the crimes specified in the Second Amended Complaint.

16. The District Court erred in concluding that the evidence presented before the Commissioner was insufficient to justify a finding to the effect that there was reasonable ground to believe that any one of the specific crimes described in the Second Amended Complaint had been committed by Respondent or that he had aided and abetted in the commission thereof.

17. The District Court erred in concluding that if the evidence presented before the Commissioner had been presented at a preliminary examination before a committing magistrate in the State of California, for the purpose of determining whether a case was there- [239] by made out which would justify holding the Respondent for trial in the Superior Court of said state upon any of the specific crimes described in said Second Amended Complaint, the same would have been insufficient to have justified holding Respondent for trial.

18. The District Court erred in concluding that the Commissioner did not have before him competent legal evidence on which to exercise his judgment as to whether the facts were sufficient to establish the criminality of Respondent with respect to any of said crimes, for the purposes of extradition.

19. The District Court erred in not concluding that the evidence presented before the Commissioner was sufficient to justify a finding that there was reasonable ground to believe and that a person of ordinary caution and prudence would believe and conscientiously entertain a strong suspicion that Respondent was implicated and participated in the crimes set forth in the Second Amended Complaint.

20. The District Court erred in not concluding that the evidence presented before the Commissioner was sufficient to justify a finding that there was reasonable ground to believe and that a person of

ordinary caution and prudence would believe and conscientiously entertain a strong suspicion that Respondent aided and abetted Spiro and others in the commission of said crimes set forth in the Second Amended Complaint and was therefore guilty as a principal.

21. The District Court erred in not concluding that the evidence presented before the Commissioner was sufficient to justify a finding that there was reasonable ground to believe and that a person of ordinary caution and prudence would believe and conscientiously entertain a strong suspicion that Respondent was one of a group acting in concert to perpetrate the crimes set forth in the Second Amended Complaint and co-operated with Spiro and others in [240] the perpetration of said crimes.

22. The District Court erred in concluding that Respondent was entitled to his discharge under the Writ of Habeas Corpus.

Wherefore Appellant prays that the judgment of the District Court be reversed.

Dated: April 8th, 1938.

FRANCIS E. EVANS,

as British Consul for the  
Southern District of Cali-  
fornia and for Arizona.

By S. T. HANKEY,

F. J. FINUCANE,

His Attorneys.

[Endorsed]: Filed Apr. 8, 1938. [241]

[Title of District Court and Cause.]

ORDER ALLOWING APPEAL

Considering the Petition for Appeal of the above named Appellant this day presented, it is ordered that the said Petition be and is hereby granted and the appeal allowed.

It is hereby further ordered that the Appellant do file a good and sufficient bond upon Appeal and conditioned in the sum of Two Hundred Fifty (\$250.00) Dollars to operate as a cost bond only, said bond to be approved by the Clerk of the Court.

And it is hereby further ordered that the said appeal and the execution of the said cost bond shall operate as a supersedeas of the judgment and order made herein on the 18th day of March, 1938 until the final judgment on appeal herein, and that a Warrant do issue ordering the United States Marshal to arrest the said Respondent Alexander Strakosch and that said Respondent be ordered to [243] be enlarged only upon recognizance in the amount of \$2500.00 (Twenty-five Hundred Dollars), with surety, to be approved by the Clerk of the Court, for his appearance to answer the judgment of the said Circuit Court of Appeals as provided by Rule 33, Subd. 3, Rules of U. S. Circuit Ct. of Appeals Ninth Circuit.

Dated: April 8th, 1938.

H. A. HOLLZER,  
Judge.

[Endorsed]: Filed Apr. 8, 1938. [244]

[Title of District Court and Cause.]

COST BOND ON APPEAL

Know All Men by These Presents:

That we, Francis E. Evans, as British Consul for the Southern District of California and for Arizona, as principal and American Surety Company of New York, as Surety are held and firmly bound unto Alexander Strakosch, alias Alex Graham, in the full and just sum of Two Hundred Fifty and No/100 (\$250.00) Dollars to be paid to the said Alexander Strakosch, his certain attorney, executors, administrators or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 7th day of April, in the year of our Lord One Thousand Nine Hundred and Thirty-eight.

Whereas, lately at the District Court of the United States for the Southern District of California, Central Division, in a suit depending in said Court, between Francis E. Evans, as British Consul for the Southern District of California and for Arizona and Alexander Strakosch, alias Alex Graham, a Judgment was rendered against the said Francis E. Evans, as British Consul for the Southern District of California and for Arizona, and the said Francis E. Evans, as British Consul for the Southern District of California and for Arizona having obtained from said District Court



an order allowing appeal to reverse the Judgment in the aforesaid suit, and a Citation directed to the said Alexander Strakosch citing and admonishing him to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, in the State of California.

Now, the condition of the above obligation is such, that if the said Francis E. Evans, as British Consul for the Southern District of California and for Arizona shall prosecute his appeal to effect, and answer all costs if he fails to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

Acknowledged before me the day and year first above written.

[Seal] FRANCIS E. EVANS,

Principal,

As British Consul for the  
Southern District of Cali-  
fornia and for Arizona.

[Seal] AMERICAN SURETY COMPANY  
OF NEW YORK,

Surety.

By A. M. WOLD,

Surety.

Resident Vice-President,

Attest: I. TAYLOR,

Surety.

Resident Assistant Secy.

Premium charged for this bond is \$10.00 per annum. [247]

State of California,  
County of Los Angeles—ss.

On this 7th day of April, A. D. 1938, before me, Howard McCulloch, a Notary Public in and for Los Angeles County, State of California, residing therein, duly commissioned and sworn, personally appeared A. M. Wold, personally known to me to be the Resident Vice-President and I. Taylor, personally known to me to be the Resident Assistant Secretary of the American Surety Company of New York, the Corporation described in and that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

[Seal] HOWARD McCULLOCH,  
Notary Public in and for the County of Los Angeles, State of California.

My Commission expires Oct. 21, 1940. [246]

Form of bond and sufficiency of sureties approved. April 8, 1938.

H. A. HOLLZER,

Judge.

[Endorsed]: Filed Apr. 8, 1938.

[Title of District Court and Cause.]

PETITION TO ENLARGE THE TIME FOR  
FILING THE RECORD AND DOCKETING  
THE CASE.

The above named Appellant, petitioner herein, petitions the Court and shows as follows:

1. That on April 8th, 1938, an appeal was allowed in the above mentioned cause.

That on said day a cost bond upon said appeal, approved by the Clerk of the Court was duly filed and a Warrant issued for the arrest of the Respondent and his bail fixed at Twenty-five Hundred (\$2500.00) Dollars; and a citation was issued addressed to Respondent and to his attorneys of record, Messrs. Isidore Dockweiler, Frederick Dockweiler and Frank Jenal, returnable within thirty (30) days from the date thereof, to-wit, on May 8th, 1938, which said Citation has been duly served upon the Respondent's said attorneys of record.

2. That the said Warrant for the arrest of the Respondent has been in the hands of the United States Marshal ever since Apr. 8th, 1938, but the said Marshal has been unable to locate the re- [248] spondent or to effect his arrest.

3. That an experienced private investigator has been engaged on behalf of the Appellant to investigate the whereabouts of the Respondent, but after diligent search for many days has been unable to locate him.

That on April 13th, 1938, an order was issued by the United States Immigration and Naturalization Service that if the Respondent should be located he be taken into custody by the Inspectors of the said Service, but said Inspectors have been unable to locate his whereabouts.

That the Mother of Respondent, Mrs. Constantine, who resides in Santa Monica, states that she does not know where her son is living or where he can be found.

That it is possible that the Respondent has left the country and may never be arrested within the jurisdiction of the United States, in which case this appeal would become moot and it would be futile to pursue the appeal.

4. That the record in this case is very voluminous and would cost considerable money to have printed and in case the Respondent should never be arrested the Appellant would have been put to considerable needless expense and to a great deal of trouble to no useful purpose.

5. That S. T. Hankey, the leading counsel for the Appellant who is Legal Adviser to the British Consul at Los Angeles, who conducted all the proceedings before the Federal Commissioner and in the District Court, is obliged to leave Los Angeles for England on important business connected with the British Consulate on May 20th, 1938, and will be away for the space of two months. That the

record should be prepared under the supervision of said counsel and that it will take thirty (30) days to prepare the said record and have same printed for filing in the Circuit Court of Appeals. [249]

Wherefore, appellant prays that the time for filing the record of this case and docketing the same with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit may be enlarged until August 20th, 1938.

Dated: May 5th, 1938.

S. T. HANKEY,

F. J. FINUCANE,

Attorneys for Appellant and  
Petitioner.

[Endorsed]: Filed May 6, 1938. [250]

[Title of District Court and Cause.]

ORDER ENLARGING TIME FOR FILING  
THE RECORD AND DOCKETING THE CASE.

Considering the Petition of the above named Appellant this day presented,

It Is Hereby Ordered that the said Petition is hereby granted and that the time for filing the record and docketing the case on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, be enlarged until August 20th, 1938.

Dated: May 6th, 1938.

H. A. HOLLZER,

Judge. [252]

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[Title of District Court and Cause.]

PETITION TO FURTHER ENLARGE THE  
TIME FOR FILING THE RECORD AND  
DOCKETING THE CASE UNTIL THE  
ARREST OF RESPONDENT.

To the Honorable Harry A. Hollzer, Judge:

The above named Appellant, petitioner herein, petitions the Court and shows as follows:

1. That an Order was made by this Honorable Court dated May 6th, 1938, enlarging the time for filing the record and docketing the case on this appeal until August 20th, 1938.

2. That petitioner filed his petition herein dated May 5th, 1938, on which the said Order of Enlarge-

ment was made and petitioner refers to the facts set out in such petition which is on file herein and incorporates same into this petition as if the said facts were herein set forth in full.

3. That ever since the making of said Order of May 6th, 1938, the United States Marshal, the Inspectors of the United States Immigration & Naturalization Service and the Federal Bureau of Investigation have been searching for the Respondent but have [253] been unable up to the present to locate his whereabouts, although it is believed that Respondent is still within the jurisdiction of the United States of America.

Wherefore, Appellant prays that the time for filing the record of this case may be enlarged until such time as may be hereafter fixed by this Court after Respondent shall have been apprehended by virtue of the Warrant now outstanding for his arrest.

Dated: August 12th, 1938.

S. T. HANKEY,

F. J. FINUCANE,

Attorneys for Appellant and  
Petitioner. [254]

[Title of District Court and Cause.]

ORDER ENLARGING TIME FOR FILING  
THE RECORD AND DOCKETING THE  
CASE UNTIL THE ARREST OF RESPON-  
DENT.

Considering the Petition of the above named Appellant this day presented,

It Is Hereby Ordered that the said Petition is hereby granted and that the time for filing the record and docketing the case on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, be enlarged until such time as may be hereafter fixed by this Court after Respondent shall have been apprehended by virtue of the Warrant now outstanding for his arrest.

Dated: August 12th, 1938.

H. A. HOLLZER,

Judge. [256]

[Title of District Court and Cause.]

PETITION TO INCREASE BAIL.

The above named Appellant, petitioner herein, petitions the Court and shows as follows:

1. That the above named Respondent was discharged from the Custody of the United States Marshal under a Writ of Habeas Corpus on March 18th, 1938.

2. That on April 8th, 1938, an appeal was allowed in the above mentioned case.



That on said day a cost bond upon said appeal, approved by the Clerk of the Court was duly filed and a Warrant issued for the arrest of the Respondent and his bail fixed at Twenty-five Hundred (\$2500.00) Dollars; and a citation was issued addressed to Respondent and to his attorneys of record, Messrs. Isidore Dockweiler, Frederick Dockweiler and Frank Jenal, returnable within thirty (30) days from the date thereof, to-wit, on May 8th, 1938, which said Citation was duly served upon the Respondent's said attorneys of record. [258]

3. That the said Warrant for the arrest of the Respondent has been in the hands of the United States Marshal ever since Apr. 8th, 1938, but (as Appellant has been informed and verily believes), Respondent has ever since been concealing himself and altering his personal appearance so as to evade arrest and the said Marshal has consequently been unable to effect his arrest.

4. That Appellant was informed and verily believes that Respondent entered the United States on a temporary permit; that at the time of his said discharge the time allowed in said permit had expired. That Respondent had promised the Immigration and Naturalization Service to depart from the United States voluntarily, which promise he had broken and an order had been issued that he be taken into custody by the Inspectors of the said Service.

5. That Appellant is informed by his attorney S. T. Hankey that he was informed by Isidore B. Dockweiler, the attorney in these proceedings for Respondent that at the time of the said discharge of Respondent, said Respondent went to the office of the said Isidore B. Dockweiler who there and then instructed the said Respondent that he should immediately surrender himself to the Immigration and Naturalization Service at Los Angeles.

6. That Appellant is informed and verily believes that despite the instructions of his said Attorney, Isidore B. Dockweiler, Respondent never surrendered himself and the said Inspectors were unable to effect his arrest.

7. That the Appellant is informed and verily believes that the mother of the Respondent, Mrs. Leopoldine Constantine Herczeg was at the time of the issue of the said warrant to the Marshal for the arrest of Respondent and ever since has been living at 528 San Vicente Blvd., Santa Monica.

8. That on or about April 8th, 1938 an experienced private investigator was engaged on behalf of Appellant to investigate the whereabouts of Respondent, but after diligent search for many days [259] was unable to locate him. That Appellant is informed and verily believes that finally, and on or about Apr. 18th, 1938 said Investigator called on Respondent's said mother at said address and told her that the United States Marshal was holding a warrant for the arrest of Respondent. That Re-

spondent's said mother replied that she did not know Respondent's address or where he might be found.

9. That Appellant is informed and verily believes that several times thereafter during the summer of 1938, Respondent's said mother was seen by various persons in Santa Monica in a motor car in company with a young man whom said persons identified from his photograph as Respondent; that said persons so identifying Respondent can be produced on his arrival in Los Angeles to complete the identification.

10. That at the beginning of the month of May, 1938, the Federal Bureau of Investigation at the request of Appellant started investigations with a view to effecting the arrest of Respondent.

That Appellant was informed by his said Attorney S. T. Hankey and verily believes that in or about the month of June the Federal Bureau of Investigation informed the said Hankey that Respondent had been seen in New York, but it was reported that he had since returned to California, and that said Bureau were making investigation through their organization in Mexico, New York City and in California; in short at any place where they thought traces of Respondent might possibly be found.

11. That Appellant is informed and verily believes that after diligent search for many months on their part, Respondent has at last been arrested

by the agents of the Federal Bureau of Investigation in the City of New York, where he is being held under a bond of \$10,000 pending his return to the State of California.

12. That it is obvious from the above that the Respondent [260] must have command of considerable sums of money and friends who are assisting him to evade arrest, and that the said bond of \$2500.00 fixed by the Court to assure the appearance of the Respondent to answer any judgment that may be rendered by the said Circuit Court of Appeals on this appeal, is not a sufficiently large bond and unless very considerably increased will be ineffective for that purpose.

13. That both the British Government and the United States Government have already been put to considerable expenses in apprehending, transporting and keeping the Respondent; that Respondent is being return to California and on his arrival his friends will immediately post the bond of \$2500 fixed by the order of this Honorable Court of Apr. 8th, 1938 and Respondent will be immediately enlarged and will again evade arrest in the same way as he has done during the past ten months unless the bail is very considerably increased. That Appellant submits that the sum of \$10,000 is in the circumstances of the conduct of the Respondent over the last ten months a reasonable and proper sum to which the said bail should be increased.

Wherefore, Appellant prays that the said bond of \$2500 fixed by the order of Apr. 8th, 1938 for the appearance of Respondent to answer the judgment of the said Circuit Court of Appeals, be increased to the sum of \$10,000.00, or that the Court make such other order as in the circumstances may seem meet and proper.

Dated: February 3rd, 1939.

FRANCIS E. EVANS,  
British Consul at Los  
Angeles, California.

S. T. HANKEY,  
F. J. FINUCANE,  
Attorneys for Appellant  
and Petitioner.

Subscribed and sworn to before me this 3rd day of February, 1939.

[Seal] BESSIE TETLEY,  
Notary Public in and for said County and State.

[Endorsed]: Filed Feb. 4, 1939. [261]

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[Title of District Court and Cause.]

ORDER FOR INCREASE OF BAIL

Considering the Petition of the above named Appellant this day presented,

It is hereby ordered that the recognizance on condition of which the Respondent Alexander Strakosch was ordered to be enlarged, mentioned in the Order herein of April 8th, 1938, be and is hereby increased from the amount of \$2500.00 to the amount

of \$5,000 the same to be executed by a proper surety company.

Dated: February 6th, 1939.

HARRY A. HOLLZER,  
Judge.

[Endorsed]: Feb. 6, 1939. [262]

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[Title of District Court and Cause.]

Know All Men by These Presents:

That the undersigned, Alexander Strakosch, as principal, and Five Thousand Dollars in cash deposited herein, are held and firmly bound unto the United States of America, for the benefit of Francis E. Evans, as British Consul for the Southern District of California, and for Arizona, by these presents.

Sealed with my seal and dated this 14th day of February, A. D. 1939.

Whereas, lately, the District Court of the United States for the Southern District of California, Central Division, in a habeas corpus proceeding in said court between petitioner Alexander Strakosch, and the respondent, the United States of America, on the relation of the said British Consul, wherein the court ordered the petitioner under the Writ of Habeas Corpus, discharged, and the said British Consul having obtained from said court an order allowing an appeal and filed a copy thereof in the Clerk's Office of said court to reverse the judgment

in the aforesaid proceeding, and a citation directed to the petitioner, citing and admonishing the said Petitioner, to appear at the United States Circuit Court of Appeals for the Ninth Circuit, at San Francisco, California, and,

Whereas, the said Petitioner desires said appeal to operate as a stay of execution and to be admitted to bail and to be permitted to be and remain at large on bail pending said proceedings in appeal to the said United States Circuit Court of Appeals for the Ninth Circuit.

Now the condition of the above obligation is such that, if the said Alexander Strakosch, petitioner, shall personally be and appear here in this court from day to day during the present term and from term to term of this court thereafter, pending said proceedings on appeal, and be present to abide the judgment of this court, or that of the United States Circuit Court of Appeals, then this obligation to be void; otherwise to remain in full force and virtue.

ALEXANDER STRAKOSCH,  
528 San Vicente Blvd., Santa  
Monica,  
Address.

Acknowledged before me this 14th day of February, 1939.

[Seal]

R. S. ZIMMERMAN,  
Clerk.

I, C. A. Stice, do hereby certify that I am the owner of the money as Trustee for the Aunt of the

Petitioner, and do hereby agree to the foregoing conditions of the above bond n appeal.

Dated this 14th day of February, A. D., 1939.

C. A. STICE,  
Trustee.

Approved as to form pursuant to Rule 13.

S. T. HANKEY,  
Counsel for British Consul.

Subscribed and sworn to before me this 15 day of Feb. 1939.

R. S. ZIMMERMAN,  
Clerk U. S. District  
Court Southern Dis-  
trict of California.

[Endorsed]: Filed Feb. 15, 1939. [264]

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[Title of District Court and Cause.]

DESIGNATION OF RECORD BY APPELLANT

To the Clerk of said Court:

The above named Appellant hereby designates the complete record of the proceedings and evidence in this action to be contained in the record on appeal.

Please issue therefore certified transcript of the record on appeal, consisting of the following:

1. Petition or Writ of Habeas Corpus.
2. Writ of Habeas Corpus.
3. Return to Writ of Habeas Corpus.



4. Stipulation regarding 2 months' time, not to run until Habeas Corpus Proceedings finished.
5. Traverse to Return to Writ of Habeas Corpus.
6. Demurrer to Traverse to Return to Writ of Habeas Corpus.
7. Motion to Dismiss Writ of Habeas Corpus.
8. Notice of Motion to Dismiss Writ of Habeas Corpus. [265]
9. Memorandum of Conclusions by Judge Hollzer dated Mar. 18, 1938.
10. Minute Order of Judge Hollzer (108/662) ordering discharge of Accused, dated Mar. 18th, 1938.
11. Petition for Appeal dated Apr. 8, 1938.
12. Assignment of Errors, dated Apr. 8th, 1938.
13. Citation dated April 8th, 1938.
14. Order Allowing Appeal dated April 8th, 1938.
15. Cost Bond filed by Appellant.
16. Petition to Enlarge time for filing record and docketing case to Aug. 20th, 1938, dated May 5th, 1938.
17. Order Enlarging time for fil. record and docket. case to Aug. 20th, 1938, dated May 6th, 1938.
18. Petition to further Enlarge time for filing record and docket. case until such time as may be hereafter fixed by the Court after arrest of Respondent.
19. Order enlarging time for fil. Record and docket. case until such time as may be hereafter fixed by the Court after arrest of Respondent.

20. Petition to Increase Bail dated Feb. 3rd, 1939.

21. Order to Increase Bail dated Feb. 6th, 1939.

22. Bail Bond.

23. Reporter's Transcript of Proceedings before Commissioner Head.

24. British Consul's Exhibit No. 1.

25. British Consul's Exhibit No. 2.

26. Report of Commissioner Head, including the following Exhibits: Ex. A, Complaint dated Oct. 14, 1937; Ex. B. Warrant in Extradition, dated Oct. 14th, 1937; Ex. C, Warrant of Temporary Commitment dated Oct. 14th, 1937; Ex. D., Amended Complaint, dated Nov. 16, 1937; Ex. E, Warrant of Temporary Commitment dated Nov. 16, 1937; Ex. F, Second Amended Complaint dated Dec. 7th, 1937; Ex. G, Warrant of Commitment dated Dec. 13th, [266] 1937;

and transmit same to the United States Circuit Court of Appeals for the Ninth Circuit.

Dated: March 22nd, 1939.

S. T. HANKEY,

F. J. FINUCANE,

Counsel for Appellant.

Service of a copy of the within document is hereby admitted this 22nd day of March, 1939.

ISIDORE B. DOCKWEILER,

FREDERICK DOCKWEILER,

FRANK P. JENAL,

Attorneys for Respondent.

[Endorsed]: Filed Mar. 23, 1939. [267]

[Title of District Court and Cause.]

CLERK'S CERTIFICATE

I, R. S. Zimmerman, Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing volume containing 268 pages, numbered from 1 to 268, inclusive, contains the original Citation and a full, true and correct copy of the Petition for Writ of Habeas Corpus; Writ of Habeas Corpus; Return to Writ of Habeas Corpus; Report of United States Commissioner, with Exhibits; Stipulation regarding two months' time; Traverse to Return; Demurrer to Traverse; Motion to Dismiss Writ of Habeas Corpus; Notice of Motion to Dismiss; Memorandum of Conclusions; Order of March 18, 1938 discharging accused; British Consul's Exhibit No. 1; British Consul's Exhibit No. 2; Petition for Appeal; Assignment of Errors; Order Allowing Appeal; Cost Bond on Appeal; Petition to enlarge the time for filing the record and docketing the case; Order enlarging time; Petition to further enlarge the time; Order enlarging time; Petition to increase bail; Order for increase of bail; Bail Bond; Designation of Record by Appellant, which together with Reporter's Transcript of Proceedings before Commissioner, transmitted herewith, constitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

I do further certify that the fees of the Clerk for comparing, correcting and certifying the foregoing

record amount to \$36.05, and that said amount has been paid me by the Appellant herein.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the District Court of the United States for the Southern District of California, this 19th day of April, in the year of our Lord One Thousand Nine Hundred and Thirty-nine, and of the Independence of the United States the One Hundred and Sixty-third.

[Seal]

R. S. ZIMMERMAN,

Clerk of the District Court of the  
United States for the Southern  
District of California.

By EDMUND L. SMITH,

Deputy Clerk. [270]

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### TESTIMONY

#### Appearances:

S. T. Hankey, Esq. and F. J. Finucane, Esq., on behalf of the British Consul, representing the Government of Great Britain.

Henry Dockweiler, Esq. and Isidore Dockweiler, Esq. on behalf of the accused. [275]

Los Angeles, California

Tuesday, November 30, 1937

10:00 O'Clock A. M.

The Commissioner: The matter set for this morning is the matter of United States, Ex-Rel., Francis E. Evans, vs. Alex Graham, alias Strakosch.

Mr. Hankey: If your Honor please, I appear for the British Consul, Mr. Francis E. Evans, together with my friend Mr. F. J. Finucane, representing the Government of Great Britain.

Mr. Henry Dockweiler: Isidore Dockweiler and Henry Dockweiler for the accused.

Mr. Hankey: At this time I would ask leave to make some amendments in the amended complaint, which I will subsequently embody in a second amended complaint. They are simply elaborating the charges. Mr. Finucane and I have been through the evidence and have found that the charges weren't just carried out by the depositions, so we have re-framed the charges.

The amendments that I ask to make also are in the heading to the complaint, adding to the style of the accused, who gives his true name as Alexander Strakosch. Then on page 5, line 18, I wish to substitute the words "Ninth day of August" for the "First day of January." I had the wrong date of the proclamation of the treaty by the President. That is page 5, line 18. [276]

The Commissioner: What date?

Mr. Hankey: Ninth day of August, 1932 instead of First of January, 1932.

Also on the first line of page 6, striking out the words "Ninth day of December, 1936" and substituting therefor the words "Second day of February, 1937." Also on page 7, striking out lines 4 and 5, beginning with "Exact particulars" down to

the word "warrant," inclusive, and inserting a new paragraph between paragraph 8 and paragraph 9, entitled "Paragraph 8-A" setting out the offences. I don't know whether I should read it all. It is nine pages long. It simply carries out the charges which are proved by the depositions.

The Commissioner: Is that a statement of evidence; is that what it amounts to?

Mr. Hankey: No. It is just a statement of the charges, a statement of the offences. It reads, "It appears from the said depositions that the particulars of the crimes and offences against the Larceny Act of 1916 committed by the said accused are as follows:" Then it sets them out. I have it complete. There are nine pages of it, all except—I haven't the value of certain stock which I will ask leave to insert. I will get it sometime today. I have an expert who will give the value of that stock.

Should I hand this in or should I read it?

The Commissioner: It may be deemed to have been read. [277]

Do I understand that you wish to embody this and the other amendments in a second amended complaint?

Mr. Hankey: Yes. The amendments I have stated and this document are the amendments which I propose to make in the second amended complaint, merely to conform to the evidence. There is one blank in this document as to the value of certain stocks and shares; that is not given, but I will have

that later in the day, and I will ask leave to insert that when I get that information.

The Commissioner: Do I understand that you wish leave to file a second amended complaint to which, among other things, you wish to add that paragraph 8-A?

Mr. Hankey: Yes.

The Commissioner: Any objection?

Mr. Henry Dockweiler: We haven't had an opportunity to inspect these proposed amendments, having just been served with a copy of them. We would ask a recess at this time to consider and read over these nine pages, particularly paragraph 8-A.

The Commissioner: Does this follow the pleading?

Mr. Hankey: It follows the depositions. It makes the charges conform to the evidence. I might, of course, have read the depositions and asked, I suppose, to file a second amended complaint to conform to the evidence, but instead of that I have prepared it in advance.

Mr. Isidore Dockweiler: Mr. Hankey, do you plan to file [278] a third amended complaint incorporating your proposed amendments?

Mr. Hankey: A second amended complaint.

Mr. Isidore Dockweiler: We would prefer to have, your Honor, the formal document embracing all of the amendments instead of these amendments piecemeal. Hereafter, in discussing the complaint, why, we certainly are entitled to, and I am sure Mr.

Hankey will agree to it—we are entitled to a full document, entitled to a second amended complaint which will have all the amendments proposed by the British Government. Instead of that, there might be an argument upon this complaint as prepared, your Honor, and then our attention will be called—oh, well, that has been stricken out, and this has been added, and so forth. It will be more advantageous to all sides to have a new document to be attached, I suppose, to the original depositions.

As we understand, your Honor, there are no additional depositions to be filed, is that correct?

Mr. Hankey: No, no additional depositions. There may be some additional evidence. I intend to call a Mr. Geddings of the James A. Clay and Company, who got the information from London for me as to the value of these stocks, to prove the value; and I may, if I am not allowed to read the 1916 Larceny Act—technically, I don't know; it is a foreign statute—there is one section there and it might be that I might have to go on the stand and prove it myself. [279]

The Commissioner: Isn't that Act set out in the depositions?

Mr. Hankey: But that particular section is not set out.

The Commissioner: We can probably stipulate as to what the Act might be.

Mr. Hankey: I think Mr. Dockweiler will stipulate that those are the statutes.



Mr. Isidore Dockweiler: Anything which obviously can be proven, we are not going to put Mr. Hankey to proof. Of course, your Honor, at the very threshold of this inquiry, we will insist that there will be no justification for the making of an order of deportation.

The Commissioner: How should we proceed in this matter? I believe you are entitled to have your seconded amended complaint before you before any evidence is taken.

Mr. Isidore Dockweiler: We would like to study it, your Honor.

The Commissioner: When can you have that ready, Mr. Hankey?

Mr. Hankey: It is simply a matter of typing it out. In extradition proceedings, as your Honor knows, there is a tremendous amount of typing that has to be done. Let's see. (Examining document.) It has a great many pages. There are about 20 pages. It is just a matter of typing. There is really no substantial difference, except 8-A. The others are only alterations in dates. But, of course, I will give Mr. [280] Dockweiler every facility he desires in this case.

The Commissioner: When will you have that ready to be served on Mr. Dockweiler?

Mr. Isidore Dockweiler: Take whatever time you want. On our side, of course, we have this young man who is confined to the County Jail.

(Discussion outside the record.)

Mr. Isidore Dockweiler: I don' think, of course, the change in complaints will alter the situation.

Mr. Hankey: No; I don't think so.

Mr. Isidore Dockweiler: I will agree to have this hearing postponed a few days; say, a week.

(Discussion outside the record.)

The Commissioner: The order will be that the matter will be continued to 10:00 o'clock a. m., Tuesday, December 7.

Mr. Hankey: I have permission of the Court to file the amended complaint as indicated?

The Commissioner: Yes.

Mr. Henry Dockweiler: I take it to be a matter of discretion with the Commissioner. The formal objection would be useless.

The Commissioner: This amended doesn't appear to me to change the situation.

Mr. Henry Dockweiler: I take it, it would be largely descriptive of the alleged crimes. [281]

Mr. Hankey: No new evidence relating to the crimes, which is all in depositions.

(Whereupon the hearing in the above-entitled matter was adjourned until 10:00 o'clock a. m., Tuesday, December 7, 1937.) [282]

Los Angeles, California  
Friday, December 10, 1937  
10:00 O'Clock A. M.

(Pursuant to Continuance.)

The Commissioner: In the matter of the United States on the relation of Mr. Evans against Graham, alias Strakosch, I have before me the second amended complaint which I understand was served on you some days ago.

Mr. Henry Dockweiler: Yes.

The Commissioner: I haven't read the amended complaint, but I presume it incorporates the matters which you offered the other day.

Mr. Hankey: Substantially, yes. There is one paragraph at the end, C-2 which should really come after C-1. It is on page 15. It relates to the same man, East.

The Commissioner: You say that should be what?

Mr. Hankey: It really is in conjunction with C-1, the last charge in the complaint. It was put in that way because it was omitted.

The Commissioner: That is, it follows line 24 of page 8.

Mr. Finucane: Yes.

Mr. Hankey: Yes.

The Commissioner: All right. You may proceed, Mr. Hankey.

Mr. Hankey: With the Court's permission, I

propose to [283] make a little preliminary statement as to what these depositions prove.

Now, we have in the second amended complaint 19 charges; I think 16 are of false pretenses and 3 are fraudulent conversion. The accused is charged under the late treaty with England which is set out in the complaint, as of the 22nd of December, 1931, whereunder it was made law by the President on August 9, 1932.

Now, the accused is charged together with one Stanley Grove Spiro. The general nature of these alleged defalcations is that Spiro, Strakosch, the accused, and other associates of theirs, amongst them Samuel Taylor, John William Robert Elphinstone, and William Underhill, and other associates perpetrated a fraud by buying up the business of two outside brokers of established good reputation, and then contacting the customers of those brokers and trading on the confidence which the customers had in their former dealings with those two firms.

The names of those two firms, one is Maclean & Henderson, which started business in Stirling, Scotland in the year 1868, and then towards the year of 1934 was bought up by the accused and others and taken to London where they engaged in business at 36 New Broad Street.

The other firm was the firm of Bunt & Co. which carried on business in London since the year 1917, and the address which the accused and associates

carried on business as [284] Bunt & Co. was 1 Royal Exchange Avenue.

Now, there was another business acquired by the accused and his associates and the name of the firm was Robert Irving & Co. This firm was apparently used merely for the purpose of boosting the shares which had been offered to the customers of Maclean & Henderson and Bunt & Co. They would offer certain shares to these customers, and after they had bought them, for the purpose of making them buy more, they would have the firm of Robert Irving & Co., which was really the same people, ring them up and offer them a higher price.

Now, there was also used an office in which they all apparently used to assemble, which was Spiro's address at 5 Suffolk Street.

Another address which they had was 16 Conduit Street where the offices were rented from the Mills Conduit Investments Ltd., where they also carried on some of their financing transactions.

The telephoning into the customers was done mostly from Conduit Street, apparently; although some was done from 5 Suffolk Street and some from 36 New Broad Street. Letters under the letterhead of Maclean & Henderson and Bunt & Co. were written indiscriminately from the offices of Maclean & Henderson, Bunt & Co., and Spiro's address at 5 Suffolk Street.

In communicating personally or by phone with the customers, it is evident that false names were used.

Strakosch [285] was known as Alex Graham. Spiro gave the name of Royston, and was introduced also as Mr. Stanley.

When customers rang up Maclean & Henderson they were spoken to on the phone by a person who gave the name of "Richards" or a person who gave the name of "Simpson" or a person who gave the name of "Mortimer," whilst it is evident that none of those people having those names were ever in those offices.

Now, there was a certain corporation called the Anglo-African Corporation, Ltd., which was used apparently for paying money through it for various purposes. It was a private company, and at the time in question the capital was £1,000, the nominal capital was £1,000 in £1 shares, although the only shares that were ever issued were 50 shares to H. V. Creighton, one of the directors and 50 shares to Gladys Edna Thow, who was a girl in Spiro's office.

They did not sell shares in that company to these various people making these depositions, but there were four companies in which they advised their customers to invest. One was the Scottish Gas Utilities Corp. Ltd.; another was the Gold Reefs of West Africa, Ltd.; that was the company with which most of the business was done.

Then there was the West African Mining Corp. Ltd., and on one occasion only, I think, the Brucefield Collieries, Ltd.

Scottish Gas Utilities Corp. was a private company, and [286] as the depositions will show, it never had more than \$10.00 in cash—or rather £2 (it means the same thing), £2 in cash. Alex Strakosch had 7,000 shares; Samuel Taylor had 22,000; and the two Spiros each had 6500.

The company had practically no money in its bank account, and when they paid certain dividends on debenture notes that they had issued, it could be proved that this money was paid either through the Anglo-African Corporation, or directly by Maclean & Henderson, or Spiro, or one of his associates, for the purpose of meeting that interest.

Now, the company with which most of the business was done was the Gold Reefs of West Africa. That was a company which had a nominal capital of £1,000 divided into a thousand £1 shares. The return of the allotments supplied to the Registry of Companies show that those shares were subsequently subdivided into 5 shilling shares, and the only cash that was ever in the till of that company was the cash from 175 shilling shares, which amounts to £26.15.

A balance sheet of the company shows that they never had any money to speak of at all.

Now, West African Mining Corp. was a company with a nominal capital of £1,000 of 4,000 shares of 5 shillings each. In that company there were only 471 shares ever issued for cash. That is £117.15. Whether or not those amounts issued for cash were

ever paid in doesn't appear. Anyway, they were merely paper companies and had no substance whatever. [287]

The Brucefield Collieries Ltd. doesn't come into the picture so much; only on one occasion. It was a finance company formed to purchase certain coal mines from a family called Dunsmuir. The price set for the purchase of the collieries was £40,000. A deposit of £1500 was paid, which came through the Anglo-African Corp., but the purchase was never completed. The lawyer for the company refused to be a party to issuing the debentures to the public until the property had been paid for. He said he would have nothing further to do with it, and he resigned.

I now propose to read the depositions, but not in the same order that they are given. In the first place, if there are any questions as to whether the depositions are properly certified and legalized to make them presentable here before the Commissioner, this certification of Mr. Johnson, the Charge d'Affaires, is, in my experience, exactly in accordance with the requirements of the Act.

Mr. Henry Dockweiler: We do not wish to stipulate or consent to anything.

Mr. Hankey: Then I must read it, I suppose.

The Commissioner: I have examined the certificates.

Mr. Hankey: I may take it as read then?



Mr. Henry Dockweiler: Oh, no. May I explain our position on such matters as that?

May it please the Commissioner, we have no wish to intrude problems that probably would be resolved against us as [288] to technicalities in the certification of depositions. But we don't want to place ourselves in the position of consenting to the record.

The Commissioner: I understand your attitude in the matter, and the record should show now that the depositions were handed to me some ten days ago, and I have examined the certifications, and I believe they would be in proper order.

I have also read the depositions. Inasmuch as I have read them and I went over them just yesterday again until I have the matter fairly well in mind, if counsel would care to stipulate that the depositions be deemed read into evidence, that probably would save us time.

Mr. Henry Dockweiler: Yes; we could do that. It would be useless to repeat them unless Mr. Hankey has some special reason.

Mr. Hankey: I don't wish to take up unnecessary time of the court, and I think I could read them very shortly; but what I have done is this: The depositions are in such an order that it is very difficult to follow the story, and I have picked them out, and I want to read them in a certain order which presents the picture of the set-up of these people, then takes the charges and the evidence of

th charges. I don't know how your Honor has read them.

The Commissioner: I don't think there is any difficulty in that respect. Of course, if you want to call attention to any particular order here in the depositions, why, do that. [289]

Mr. Hankey: Then I will shortly point out to your Honor the order in which the depositions should be read to make them intelligible.

Perhaps I might just as I take each deposition state shortly what it proves.

First of all, on page 18, Baldwin states how he rented to Spiro, 5 Suffolk Street, and the rent was usually paid by the Anglo-African Corporation.

On page 14, Hunter is the man who sold this firm of Maclean & Henderson to two persons who called and gave the names of Elphinstone and Stanley; and a person who gave the name of "Stanley" was Stanley Grove Spiro.

The business, he says, passed to London. Then he severed his connection with the firm.

On the next page, Sancha, who is the man who rented 36 New Broad Street to Maclean & Henderson. "The first person I saw was a Mr. Graham. He came with a man named Stanley."

Then on page 72, Bridge is the man who rented 1 Royal Exchange Avenue to Taylor, and Mr. Graham came with the person who signed the agreement. That was the address of Bunt & Co.

On page 16, Agnes Elizabeth Payn tells the effect of the certificates with reference to Maclean & Henderson and Bunt & Co. showing the business was carried on at those addresses. Of course, that information is information supplied to the Registry of Business Names.

Then on page 55 we come to the evidence of four sten- [290] ographers, which I think are very important:

May Lillian Phillips says that she started work at Maclean & Henderson January, '35, and was taken to 5 Suffolk Street. She went for an interview at 5 Suffolk Street, and after a few days Graham took her from Suffolk Street to New Broad Street. "No one else was working at New Broad Street." She says that, "If Mr. Stanley is Stanley Grove Spiro, I have seen him."

"Mr. Graham gave me the instructions."

She says, "William Underhill came to work at New Broad Street. He was afterwards manager. So far as I could tell William Underhill was above me, and when there was no one else in the office, I took instructions from William Underhill."

"William Underhill dealt with the post unless Alex Graham was there before him; then he dealt with it."

(When they say "post," they mean the mail, of course.)

"Alex Graham used to come to the office at New Broad Street almost every day. Graham dictated

all letters as to change of address. One of my duties was to attend to the telephone switchboard. Alex Graham used to ask for a line and get his own numbers.”

She says she has heard of Simpson and Richards, but she had never seen them. She heard the names mentioned.

She said she saw Stanley, and she identified a photograph of Spiro as Stanley.

Then in April '36 she was taken by Alex Graham to S. R. [291] Bunt & Co., 1 Royal Exchange Avenue.

“Alex Graham called William Underhill and me into the inner office and Alex Graham told William Underhill that I was going to work in S. R. Bunt & Co.”

Alex Graham gave her orders. Alex Graham opened the letters, and gave her some. Others he took away.

She says in August he went away on a holiday, and the letters were then taken to 5 Suffolk Street.

Then on the next page she says, “I was told by either Camuel Taylor or Alex Graham about Hawker Aircraft shares. This was in the Autumn of 1936.”

Then at the last paragraph she says, “I gave a week’s notice, and a few days after Miss Croucher came.

“Alex Graham told me to go to an office in King William Street. The name of the firm was Irving

& Co.” I took the correspondence addressed “Irving & Co.” to 5 Suffolk Street. I think I went every day and handed them over. The photograph, Exhibit No. 2, is the photograph of the man I knew as Alex Graham.”

Then the next was Miss Croucher. She entered the employment in the same way, at 5 Suffolk Street, in January '36.

She says that the staff consisted of certain people amongst them, Mr. Graham. “I have heard Graham called ‘Strakosch.’”

“Graham (otherwise Strakosch) gave me instructions with [292] reference to the firm of Maclean & Henderson.

“Stanley Grove Spiro dictated letters to me with regard to Maclean & Henderson. So did Graham (otherwise Strakosch).

“I did it on paper headed ‘Maclean & Henderson.’ The paper had a Broad Street address.

“I mentioned to Graham (otherwise Strakosch) when Maclean & Henderson’s paper was running short, and I got more.

“Stationery of S. R. Bunt & Co. was also at 5 Suffolk Street. Stanley Grove Spiro sometimes dictated letters with reference to this concern, and also Graham (otherwise Strakosch).”

Then, at the bottom: “Stanley Grove Spiro asked me to go and be a typist at S. R. Bunt & Co. This was early in November, 1936.”

Then on the next page, 60: “I got the same salary. It came to me by post from 5 Suffolk Street. I left

on the 5th of December, 1936. I gave a week's notice to leave S. R. Bunt & Co. to Stanley Grove Spiro."

The Commissioner: Can you explain to me what a commissionaire is, where she states, "Phillips and a commissionaire was there when I got there."?

Mr. Hankey: A commissionaire is just like a doorman. There is a corps of commissionaires in London who are old soldiers. They are hired by buildings and they have a uniform. They are sort of doormen. It is just the same as a [293] messenger in a bank. The big offices have them. They are called commissionaires. They take messages and that sort of thing.

Then Miss Watson on page 61 says she was employed as a shorthand typist by Stanley Grove Spiro in May, '36.

"Prior to being employed I called at 5 Suffolk Street, and I had known Stanley Grove Spiro for some time before as a person who had had business dealings with my employer."

"I was introduced to Miss Brabyn. Miss Brabyn took me to 16 Conduit Street."

Then, about the middle: "Alex Graham paid me my wages. He had been there at Conduit Street before he paid me. I was sent at the end of the week to Bilbao House, 36 New Broad Street. Stanley Grove Spiro told me to go there on the telephone on the Monday mornng. Alex Graham took me there. This was still in May 1936.

“From that time up to January '37 I remained in the employ of Maclean & Henderson at 36 New Broad Street.”

On the next page, 62: “Alex Graham came to the office quite frequently. I have never seen John William Robert Elphinstone at the office. I saw Samuel Taylor at the office, I think once or twice, with Alex Graham. I have never heard of Mr. Simpson. I have heard of Mr. Richards in consequence of someone ringing on the telephone. I never saw Mr. Richards. I saw a Mr. Henderson; he came later on.”

Then on page 63, Miss Lowry says, “I know Stanley Grove [294] Spiro of 5 Suffolk Street. I was first introduced to him at the end of May, 1932. He was introduced to me as Mr. Stanley. I was first engaged as a shorthand typist by Stanley Grove Spiro. My duties were to deal with correspondence of the Scottish Gas Utilities Corporation Ltd. I was told to take instructions from a Mr. Aprange. Miss Thow was then in the office.” (That is the lady to whom the shares in the Scottish Gas Utilities Corp. Ltd. were issued.)

“The Anglo-African Corporation Ltd. also were in the same building. They were not separate offices.”

Then, at the bottom, the last five lines: “I have known Alex Graham since the Autumn of 1932. I knew him as Mr. Strakosch.”

Then on page 23, the printer, Mildner, who says that he was introduced to Graham. He called on Graham in the office of Maclean & Henderson, 36 New Broad Street. Graham gave him an order for printing on behalf of the firm of Maclean & Henderson. The first order was about the end of 1934.

“From that time onwards I did a considerable amount of printing for Maclean & Henderson, including the publication called the Weekly Financial Review. The copy for the Weekly Financial Review came by post. Several people gave me orders. I printed reports on various companies from time to time. As a rule Graham paid me in notes at my request.

“I know Samuel Taylor. He gave me orders for the Scottish Gas Utilities Corporation Ltd. I believe I did [295] some dividend warrants for that company. That work was paid for in cash by Samuel Taylor, or by one of the clerks in the office at 5 Suffolk Street.”

Then he says he did printing for S. R. Bunt & Co., including the printing of a publication by Bunt & Co. called “Stock Market News.”

“It was paid for in the same way as the other printing. Towards the end the accounts were put together. Separate invoices and accounts were rendered.”

Then Darsley, page 19: He is an official in the Registry of Companies. As I stated in my preliminary statement, he shows what stock there was



in the Anglo-African Corporation. There were only a hundred shares, 50 shares each to Creighton and to Miss Thow, who has just been mentioned, who was the girl in Spiro's office.

And the address of the office was 5 Suffolk Street. Scottish Gas Utilities Corporation was a private company with its registered office at 5 Suffolk Street.

Then about ten lines down the page—no, the top of the next page, he says: “The capital was originally £10,000 in 10,000 £1 shares. The file records an increase of capital from £10,000 to £115,000 by resolution dated the 31st of May 1932, and another £2,000 by an extraordinary resolution of the 16th of June, 1932. The file also contains an agreement for sale dated the 30th of May, 1932 between the British Empire Trading Syndicate of 5 Court Row, Guernsey, as Vendor [296] Company to Scottish Gas Utilities Corporation of certain rights and property for the sum of £90,000, the payment to be £20,000 cash and £70,000 in shares. The annual return dated 28th of July, 1933, shows the capital to be £200,000. The total number of shares taken up was 70,002. The number of shares issued otherwise than in cash 70,000. The first allotment shows those 70,000 allotted to various names including Anglo-African Corporation, 4,500; British Empire Trading Syndicate, 6,000; Financial & General Trust, 15,000; Arthur Francis Martin, 3,000; L.

Grove Spiro, 6,500; Roy Spiro, 6,500; and Alexander Strakosch, 7,000; Samuel Taylor 22,000.”

Then the Gold Reefs of West Africa Ltd. on page 21. That is a similar sort of company. A little below the middle of the page he says: “A return of allotments dated the 7th of November 1934 shows the number of shares allotted payable in cash, 107; and the number of shares for consideration other than cash, 64,000. In the month of May 1936 the denomination of the shares was altered from £1 to 5 shillings.”

The return of February 26, 1936 shows that there was still only 107 shares payable in cash. I don't know whether it was 5 shillings or £1 shares. Apparently £107 was the only cash they ever had.

A little bit lower down he says: “The file contains a balance sheet.”

Well, your Honor has seen that balance sheet. You have [297] seen the accounts at the bottom. There was actually no money.

Then on page 22, West African Mining Corporation. The first registered office was 29 King William Street. That was the office of Irving & Co., the people who were to boost the shares then in that company.

About the middle of the page, “There is on file an agreement dated the 28th of November 1936 between certain people and the company, this West African Mining Company, under which the sum of

£63,500 was to be paid; £62,500 in shares and £1,000 in cash.”

Now, they never could have got the cash because the next words are: “The return of allotments shows ordinary shares payable in cash, 471, and for consideration other than cash, 170,000.” The most money they ever had in that company was 471 shares.

Then on page 51, a man called Engel, who was the company’s secretary, and who was registrar of the Gold Reefs of West Africa, and was also apparently secretary of the West African Mining Corporation. He speaks of that greement we have last mentioned with the West African Mining Corporation, and says that, “The capital duties and expenses incurred with the increase of capital to £200,000 would require over £1,000. The stamp duties have been paid, £-32 odd. The capital duty has not been paid. There is no money to pay it with.” [298]

Higher up: “The 170,000 shares were transferred to a man called Hickman.”

“I was appointed about the end of November 1936. At the time of my appointment, there was no minute book. I got one when I was appointed.”

£100 was paid to Mr. Dove’s solicitor. Hickman was never paid £700. No payments have been made in the Gold Coast. At the moment the company is without funds.”

On the next page he says: “I remember meeting a man namer Alex Graham. Hickman introduced me to him. Hickman and Graham met in my pres-

ence. Hickman, who was virtually the owner of the company at that time, told me that he was disposing of his block of shares to Mr. Alex Graham, and an agreement was signed by Hickman. This agreement, although dated the 30th of November, 1936, did not come into being until January, 1937."

Then a paragraph which is marked "5": "Mr. Scully and Mr. King designed as directors on the 21st day of January when Graham took over." That must have been the 21st of January, 1937.

Then in paragraph 6 he says—these other people were purely nominal directors—"I saw Graham on the 4th of February, 1937; that was the last occasion. I do not know where he is now. I do not know him by any other name. I have seen a photograph and I identify the photograph, marked 2, as the photograph of Graham. [299]

"I certified the 170,000 shares out of Graham's name."

On the next page, Dove, who was a concessionaire of a certain properties in the Gold Coast, and apparently was the chairman of Bukasu Ltd., says he had an agreement—that is the same contract we have been speaking of—to sell to the West African Mining Corporation Ltd. certain rights and concessions for £63,500. He says, "I was to be paid £300 in cash and £20,000 in 5/- shares fully paid. I received a cheque for £100 on account. I have never had the balance. I have never had the £20,000 worth of shares which were allotted on the same

day I received the £100. The contract was never carried out.”

Then on the next page, a man named Morse-Stephens states how he agreed to Robert Irving & Co. using his office at 29 King William Street for £5 a month. The stenographer was a Miss Phillips. Miss Phillips was the one mentioned first.

“I accepted the secretaryship of the West African Mining Corporation, and letters addressed to that concern were delivered at my office. This was about November, 1936.”

Then Wood on page 35; Wood was the solicitor, as they call him in England, or lawyer. He acted as secretary for the Brucefield Collieries, and had the contract with the Dunsmuir family. In paragraph 3 he speaks of the price of £40,000. A deposit of £1500 was paid. He got the money from the Anglo-African Corporation Ltd. The purchase was not completed by the 9th of August, 1935. That was the date, as he says later on, that he resigned.

[300]

“I pointed out to Stanley Grove Spiro that it was necessary before debentures could be issued that the lease of the colliery should be extended to 31 years to make it registerable, and that the purchase price be paid.”

“Letters came signed by Samuel Taylor and he did most of the telephoning.”

Then he speaks about how they wished to issue debentures before they had paid for the property; and he says that they, Samuel Taylor and Stanley Grove Spiro, insisted on the debentures being issued. So he resigned in writing on the 9th of August.

“Since June 1935 they had been urging the issue of debentures. I knew that debenture notes had been printed. Samuel Taylor told me.”

In the sixth paragraph: “I received by post a book of interest warrants on the 8th of August 1935. I handed it over as it came. I handed it over to Samuel Taylor in my office.”

That company is only mentioned once in connection with these charges.

Page 49, Waters an official of the General Post Office which handles all the telephones: He gives the numbers and the people who were called and the addresses from which they were called. Your Honor will see there were some few from 5 Suffolk Street and some few from New Broad Street; but most [301] of them were from Conduit Street.

On page 25 is the charge of Turner; that is, the deposition of Turner. The charge is on page 7 of the second amended complaint: Obtaining 300 shares in the London & Manchester Assurance Company Ltd. of the value of £5,025 by falsely pretending that the said firm of Maclean & Henderson then was carrying on an honest and genuine business as investment brokers at 36 New Broad Street.

As far as the proof is concerned of value, I spoke to Mr. Dockweiler. I have obtained evidence from London of the value of this stock, and I spoke to Mr. Dockweiler. He said, "Well, let us leave that to the end," because in case we have to prove that, I can call in somebody, if necessary, to prove the values that are in the charges in the second amended complaint.

Now, turning to page 25, John Henry Turner said that he received a call from a man who gave the name of J. Elphinstone. "It was not John William Robert Elphinstone." He is the man mentioned as having undergone trial already.

"He called upon me as old client. He introduced a gas company, the Scottish Gas Utilities Corporation Ltd."

Then in paragraph 5: "I arranged that he should sell for me the 300 London & Manchester Life Assurance Company shares. I received notes in the amount of £5,300."

On the next page: "I became uneasy and at the end of March I went and saw Elphinstone at 36 New Broad Street." [302]

There was never any Elphinstone there, so we submit the inference is that this was Mr. Strakosch or Graham.

Mr. Henry Dockweiler: What is the inference?

Mr. Hankey: That this Elphinstone that is mentioned on page 26 at line 2 is Graham.

The Commissioner: I will not permit you to testify, Mr. Hankey.

Mr. Hankey: Well, will withdraw that.

The Commissioner: I gathered from my reading of these depositions that Elphinstone was an alias used by Spiro.

Mr. Finucane: There was a man called Elphinstone; he is not the one they are referring to here.

Mr. Isidore Dockweiler: Spiro is the man. There is plenty of evidence against him.

Mr. Hankey: On that point, the Treaty says that participation in any of these offences or crimes specified in the Treaty are extraditable.

The Commissioner: I am not going to consider the testimony given by counsel, either you or Mr. Dockweiler.

Mr. Hankey: I am merely referring to the Treaty, of which your Honor will take judicial notice. The Treaty so provides, and our Penal Code provides—I think it is in Section 31—that accessories are treated as principals. Then, if I may digress, unless Mr. Dockweiler will admit that Section 35 which is given in this authorized law reports of England, Section 35 of the Larceny Act is the law— [303]

Mr. Henry Dockweiler: If you will give us your professional assurance that it is.

Mr. Hankey: Well, I have practiced in England, and I have kept in touch; in fact, I was there at this time in 1916. That is the law. I will give you my firm and personal assurance that that is the law, Section 35, that “Every person who knowing-



ly and wilfully aids, abets, counsels, procures or commands the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried, and punished as a principal offender.”

Now, the next page I wish to go to is page 38, the man called East. The charges connected with him are charges (b), (c-1) and (c-2).

The first charge, (b), sets out a number of stocks which were obtained from him by false pretenses. In his deposition he sets out those stocks on pages 30 and 31.

On page 28 he says their value was \$17,000. He was contacted by a man who called himself “Royston.” I am referring to page 28, your Honor, now.

On the 17th of June, 1935—

The Commissioner (interrupting): That is £17,000 rather than dollars.

Mr. Hankey: Yes.

He was contacted by a man called Royston who gave him instructions to sell; Royston strongly recommended him to put the proceeds into Scottish Gas Utilities and Brucefield [304] Collieries.

Then on the same day shortly after Royston left, he had misgivings about it, and he telephoned Maclean & Henderson to cancel his instructions and was informed that they had already been acted upon.

The securities were sold and he received Scottish Gas Utilities Corporation Ltd. 5½% notes,

and a certificate for certain Brucefield Collieries Ltd. debentures.

“In August '35 I received interest for a full year on my holding in Brucefield Collieries Ltd. in the form of a cheque from Maclean & Henderson. I received a further cheque for a half year's interest in February, 1936.”

Then the next charge, which is (c-1), deals with certain shares, charging fraudulent conversion of £791,19.6 which is dealt with in paragraph 8. He instructed Maclean & Henderson to buy 300 Great Universal Stores Ltd. shares and received a contract note purporting to show that this had been done at a total cost of £791.19.6. “I have paid for these shares but have never received a certificate in respect of them.”

“9. I wrote on several occasions to the firm about the non-delivery of the certificates of the Lipton stock and the Great Universal Stores shares, and in the course of the correspondence between June and August, 1936, I was informed in letters from Maclean & Henderson that they had purchased these shares through Messrs. S. R. Bunt & Co.” And later, a few lines down: “I was later told that they were prepared [305] to institute legal proceedings against S. R. Bunt & Co. and finally that on pressure, S. R. Bunt & Co., although failing to deliver the shares, had actually sent to Maclean & Henderson a cheque covering the amount involved. This cheque I never received.”

The Commissioner: What is your understanding of the term used here, "contract note"?

Mr. Hankey: That means a contract showing that they have purchased—a contract sent out by the brokerage firm, whatever it is, a sale note or buying note, according to what your order is. When you receive the contract note it is a statement by them that they have either, as the case may be, sold your stock and you contract to pay them the amount—I am speaking of the brokers—I am getting confused—it is in the case of a purchase note, a buying note that you receive that contract; you contract to pay the broker the amount. In the case of a sale note, they contract to pay you that amount. It states the price at which the stock is bought or sold, as the case may be.

Regarding the Great Universal Stores Ltd. shares, he says he received a contract note purporting to show that they had been bought at a total cost of £791.19.6. "I have paid for these shares, but have never received a certificate in respect of them."

As regards the (c-2) charge, he says in paragraph 7 on page 29: "Not at the time knowing the situation with regard [306] to these two holdings, I continued to do business with the firm of Maclean & Henderson, and in February 1936 instructed them to buy for me 800 Lipton Ltd. 4½% debenture stock. I received a contract-note purporting to show that this purchase had been made, and I pro-

vided money by the sale of shares held by Maclean & Henderson to pay for the Lipton Ltd. stock. I have never received a certificate for this stock.”

Then on page 32, which is charge (d), a man called Daniel, the charge of obtaining certain stocks, the value of which is given on page 34, the value of the stocks being the figure at the bottom of the page less £1,000 which was cash, as shown on October 9, the obtaining of those shares by false pretenses.

He says: “In the summer of 1935 my wife received from time to time a paper called ‘Financial Review’ coming from Maclean & Henderson. I sent to that firm a list of investments and asked for advice. I received a letter dated the 26th of July, 1935, and enclosed with it was a report.”

Later he got a telephone call from a man called “Royston.” “The last time I saw him was at the end of 1935. I know the man now by the name of Stanley Grove Spiro.”

In paragraph 5, same page, “On the 23rd of August, 1935, I received a contract note purporting to show that Spiro had purchased on my behalf £2,830 Brucefield Collieries debentures.”

There is also a charge on page 9 of the second amended [307] complaint, charge (e), converting, fraudulently converting the sum of £1,000; and on page 33 of the depositions, paragraph 6, Mr. Daniel says: “On or after the 23rd of August 1935 Stanley Grove Spiro sold further shares on my behalf,

and I sent a cheque for £,000 in connection with the purchase of further securities. By the 29th of October, 1935, Spiro held, on my behalf, including the £1,000 above referred, the sum of £10,271.1.10."

Then he says he never received a certificate as a result of these transactions.

"In the course of my dealings with Spiro he told me that if I rang up Maclean & Henderson and was unable to get in touch with him, I was to ask for a Mr. Graham, and to deal with no one else. Mr. Graham is, I verily believe, Strakosch.

Early in the month of December, 1935, having received none of the certificates which I had been expecting, I rang up Maclean & Henderson and spoke to the said Graham. He made an excuse that the certificates were often held up, and I subsequently wrote to the firm but was unable to obtain any explanation or satisfaction."

Then he says that the shares which he sent to Stanley Grove Spiro for sale are set out in the statement which he gives, and which he received from Maclean & Henderson; which is page 34.

Then on page 47 of the depositions a man called Plater: That is a charge for obtaining a check for £88.0.6 by false [308] pretenses.

He says: "On July 28, '36 I received a letter from Maclean & Henderson recommending me to buy the shares of John Brown & Co. Ltd." He gave instructions to them to purchase 50 shares in that company, and sent a check for £88.0.6.

“Subsequently I was telephoned to from time to time by a man who gave the name of Richards, and described himself as manager for Maclean & Henderson. He suggested that I should sell the shares in John Brown & Co. and invest in Gold Reefs and West Africa Ltd.”

Finally he acceded to that suggestion and gave instructions to that effect.

Then he later received a letter from Irving & Co. offering to buy his Gold Reefs at  $1/11\frac{1}{2}d$  per share profit, and he spoke to Richards on the telephone, and he said, “Do not sell. I recommend you to buy more.”

“I asked him what he knew about Irving & Co., and he said he had no knowledge of them at all.”

He didn't buy any more Gold Reefs of West Africa Ltd. shares.

Now, the next one is page 38 of the depositions, William Scott. That relates to three charges, (g-1), (g-2), and (g-3); (g-1), obtaining by false pretenses a check in the amount of £242.13.6; (g-2), obtaining the sum of £375 by false pretenses; and (g-3), obtaining two checks in the total amount of £375.3.6 by false pretenses. [309]

Now, Mr. Scott says, on page 38 of the depositions: “On the 3rd of April, 1936, I received a telephone call from the London office of Maclean & Henderson, the speaker giving his name as Richards. He suggested that I should purchase shares in Associated Electrical Industries. I agreed and

sent my check for £242.13.16. for the purchase of 100 shares.

Then, "On the 22nd of April 1936 I received another telephone call from Richards. He advised me to sell my Associated Electrical Industries shares and to reinvest in Gold Reefs of West Africa shares. He said that the firm of Maclean & Henderson had inside knowledge of this mine, and that the shares were in no way speculative but a sound investment," and so on. Then, that he had a similar transaction toward the end of May.

The Commissioner: I think you can pass that one because he doesn't identify Richards.

Mr. Hankey: He doesn't identify Richards, no, but he rang up Maclean & Henderson, and there was no man apparently there by the name of Richards.

Scott says at page 40: "I am now informed and believe that West African Mining Corporation shares are valueless, and the transfer which I can produce shows that I received 3,000 shares of this concern out of the name of Alexander Graham, who I verily believe to be Strakosch."

"In all I paid £994.9. 9 in respect of shares which I now believe to be valueless. [310]

On page 41, Russell. Russell deals with charge (h). That charges that certain stocks of a total value of £7,032—that is another case which I will have to prove value if it is disputed—obtaining those stocks of that value by false pretenses. That

relates to Gold Reefs of West Africa. There again a man by the name of Richards—a man rang up giving the name of Richards of Maclean & Henderson.

On page 42: “In the month of October, 1936 I received a call from a representative of Maclean & Henderson who gave the name of Simpson. He said that Gold Reefs of West Africa shares were to be on the market in the first week of December, and that the original holders were entitled to buy more before the issue to the public was made. He said that it was a sure thing and not a gamble.”

He says, on page 43, “In all I have lost through my dealings with Maclean & Henderson £5,714.3. 3.”

Then he gives the shares that he parted with to Maclean & Henderson.

In the last paragraph: “I received a letter from Maclean & Henderson dated the 20th of October, 1936, enclosing contract notes for the sale of my shares as above, and a contract note for the purchase of 6,300 Gold Reefs of West Africa shares.”

Then at page 44—(nobody has ever seen Richards, or known anybody who had the name of Richards.)—Fothergill, (j-1) and (j-2); that is the charge of obtaining a check for [311] £232.1. 0 by false pretenses, and a check for £158.3. 6 by false pretenses.

Richards rang up again and advised him to buy Gold Reefs. The same procedure where the firm of Irving & Co. rang up and offered him a profit.

Then on page 45, he received a visit from a man who gave the name of Mortimer. Many people



heard of Mortimer, but nobody had ever seen him at the office of Maclean & Henderson.

“I sent a cheque to Maclean & Henderson on the 20th of October 1936 for £700.0.9. This cheque covered the purchase of a further 2,217 5/- shares in Gold Reefs of West Africa.”

Then he says at paragraph 8 on page 45: “After seeing an article in the Investors Chronicle & Money Market Review’ I called on the 9th of November 1936 at 36 Old Broad Street and asked to see the manager, Mr. Richards. I was unable to see him or Mr. Mortimer. Neither of these two persons, if they exist, have ever been traced.”

Page 73, Francis Jackson; that is, charges (k-1), (k-2), (k-3), obtaining by false pretenses a check for £337.8.6; a check for £795; and a check for £2,975. Those representations, the first one is in connection with Gold Reefs; the other two, West African Mining Corporation. That is also in connection with Bunt & Co.

“On the 20th of October, 1936 I received a telephone call from S. R. Bunt & Co. and spoke to a man who gave the name of ‘Stanley’.” He recommended a purchase of Hawker [312] Aircraft shares.

“I agreed to purchase these shares and sent a check to S. R. Bunt & Co. for £337.8.6, and received a contract note. Before the transaction was completed, Stanley rang me up again and suggested that I should sell my Hawker Aircraft shares, and

reinvest in Gold Reefs of West Africa shares. This I agreed to do.”

Then on November 4, 1936 a man giving the name of Mortimer called at his address in Middlesbrough. “He produced a letter of authority from S. R. Bunt & Co. and told me that Gold Reefs of West Africa shares had gone up in price to 8/6d a share. He advised me to sell my shares and buy West African Mining Corporation shares at the same price, saying that the latter would be going up.”

Then he sent a check for £795.

“I received contract notes covering these transactions and sent a check for £795.”

Then paragraph 5, he was again advised—had a further call from Mortimer who said he was an old customer of the firm. He got him to buy a further 7,000 shares of West African Mining Corporation. He sent £2,975, a cheque for that amount.

“I did not receive certificates for either my 3,000 or my 7,000 purchase of these shares, but received a letter dated the 1st of February 1937 enclosing two certified transfers, one for 3,000 shares and one for 7,000 shares out of [313] the name of Alex Graham.

“I am now informed that these shares are worthless, and that the said Alex Graham is Strakosch, a close associate of Stanley Grove Spiro. I am further informed and believe that the activities of S. R. Bunt & Co. were controlled by Stanley Grove Spiro through one Samuel Taylor.”

(1) Row: Row is on page 75. Obtaining a check by false pretenses in connection with the firm of Bunt & Co. in connection, *in connection* with Gold Reefs, that charge is; and the other one (1-2), is in connection with West African Mining Company .

I don't know whether it is necessary for me to read this. He says he gave a check for £202.13.6; that he thought he was dealing with the firm of S. R. Bunt & Co. Then he gave a check for £170. He received a transfer of a thousand shares of West African Mining Corporation out of the name of Alex Graham, his signature being witnessed by someone giving the address No. 36 Old Broad Street.

Then I just want to read on page 64. Alexander Michael Jones says: "I am managing-director of Mills Conduit Investments Ltd. of 16 Conduit Street, W. 1. Our offices are in 16 Conduit Street.

"In April 1936 we let an upper part to Stanley Grove Spiro the third and fourth floors of 16 Conduit Street. He said he was looking for offices in the west end, and would I let him the premises. The rent was £250 a year payable in [314] advance. He came to the premises frequently. I cannot say if any other persons came. I know Samuel Taylor. He never came to my knowledge. I know Alex Graham. He might have attended. I could not say.

"Stanley Grove Spiro had had business dealings with us prior to the letting of these premises. I

first met Stanley Grove Spiro about August 1934. I only know that Maclean & Henderson were outside brokers established about 1860, and that Stanley Grove Spiro was the proprietor.

“Stanley Grove Spiro from time to time borrowed money on short dated loans from us, from ten to fourteen days. He sometimes deposited certificates and transfers for these loans. We released numerous securities that had been deposited for sale, and Stanley Grove Spiro would send us on their cheque. On his instructions on other occasions we sold the stock and paid off the loan.

“During the period, 24th of August 1934 and 29th of January 1937 we paid by way of advances a number of cheques. Spiro was representing the firm of Maclean & Henderson in these transactions.

“Sometimes in the early part of 1936 Stanley Grove Spiro came and told me that he was going abroad. He brought Alexander Graham and introduced him as his assistant, and asked should Alex Graham be wanting any money I was to let him have it, and he would be responsible for it. He introduced Samuel Taylor to me in the same way. He told me Taylor [315] was his brother-in-law and worked for him, and if I lent him money, he would be responsible when he came back.

“In Alex Graham’s case he deposited as collateral security Maclean & Henderson cheques. In Samuel Taylor’s case I think in one case there was a Maclean & Henderson cheque. There were only

about four transactions in Samuel Taylor's case. I think in one case shares were put up for deposit."

Paragraph 8: "The actual cheques paid to Stanley Grove Spiro, Alex Graham and Samuel Taylor in connection with the loans referred to above I produced at the trial of Samuel Taylor. John William Robert Elphinstone, and William Underhill."

Now, the next page, 66, David Kerman of Dunn Trust Limited, of 11 Princes Street, Hanover Square, W. 1:

"In the early part of 1934 I met Stanley Grove Spiro. From the beginning of January 1935 we advanced money to Stanley Grove Spiro in large sums for short dates. We were handed securities in the form of stocks and shares with blank transfers or cheques, sometimes no securities were taken.

"I have seen a bundle of cheques, mostly made out to Stanley Grove Spiro. The total amount of those cheques is £95,000.

"I knew of the firm of Maclean & Henderson. It was on behalf of that firm that Stanley Grove Spiro was acting. Some of the securities were of clients of Maclean & Henderson [316] and some were Spiro's own clients. He was an outside broker associated with Maclean & Henderson, and also S. R. Bunt & Co. He told me he was substantially in control of both these concerns.

"Securities were left and we sold them and in some cases Maclean & Henderson sold securities to

their own brokers and instructed those brokers to pay the proceeds to my firm.

“Stanley Grove Spiro and I had conversations from time to time. Stanley Grove Spiro alone was carrying out these transactions. In the early summer of 1936 Stanley Grove Spiro introduced both Alex Graham and Samuel Taylor to me. He told me that they were his assistants and in charge of his office while he was abroad. One or two transactions were carried out with Alex Graham and Samuel Taylor. So far as I remember we had no securities. They deposited Maclean & Henderson cheques and in most cases they were paid.

“Maclean & Henderson occasionally sent us their clients' cheques which they had endorsed.

“The actual cheques paid to Stanley Grove Spiro, Alex Graham and Samuel Taylor, in connection with the loans referred to above I produced at the trial of Samuel Taylor, John William Robert Elphinstone and William Underhill.”

Then I think the last one that I need read, on page 68, the chartered accountant: I have had access to various books of the firm of Maclean & Henderson, and have seen their banking accounts. No cash book has been found or produced to me. [317] In the Clients Ledger I have examined the accounts in the name of John Henry Turner, Reginald Harry East, Peter Daniel, William Fothergill, Frank Plater, John Cooper Russell and William Scott. I find in certain cases transactions of which they have spoken are not entered in the books at all.

“In the account of John Henry Turner there is no mention of the sale on his behalf of 300 London & Manchester Assurance Co. Ltd. shares, or of the purchase of £5,300 Scottish Gas Utilities Corporation Ltd. notes. There is a reference only to a difference of £5.1.0. in connection with this sale and purchase.

“In the account of Reginald Harry East no mention is made of the sale of securities on the 17th of June 1935 to the value of over £17,000, nor is there any mention of the purchase of £800 Lipton Ltd. 4½% debentures on the 3rd of February 1936, or on any date.

“In the account of Peter Daniel there is no reference to the sale of 850 Allied Newspapers shares, 400 Thomas Tilling & Sons shares, 650 Gaumont British 4½% First Debentures, 1,000 Carbo Plaster shares, or 500 Ideal Building Preference shares. These shares are said by Mr. Daniels to have been sold by Maclean & Henderson on his account, and contract notes purporting to record these sales on the 29th of October 1935 were received by him. I find in the account of Mills Conduit Investments Ltd. with Maclean & Henderson a reference to the sale of these shares on the 30th of October 1935, and [318] the account further shows that a cheque for the proceeds of this sale was sent to Mills Conduit Investments Ltd. There are other omissions of sales in the account of Peter Daniel and there is no mention of any purchase on his behalf.

“In the account of William Fothergill in Maclean & Henderson’s Clients Ledger there is no mention of the receipt from him of three cheques for £232.1.0, £158.3.6 and £700.0.9, respectively, nor is there any mention of the sale on his behalf of 430 Mexican Eagle shares. There is no mention at all of any purchase of Gold Reefs of West Africa

“There is no account in the Clients Ledger of shares on his behalf.

Maclean & Henderson in the name of Frank Plater.

“In the Clients Ledger of Maclean & Henderson there is no mention in the account of John Cooper Russell of the sale on the 20th of October, 1936, or at any time, of 210 Hallamshire Coal Supply shares, 100 Brooks & Doxey Ltd. shares, 120 Hinsley Park Colliery shares, 1,515 Wigan Coal & Iron shares and 930 J. Compton Sons & Webb Ltd. shares, nor is there any mention of any purchase of Gold Reefs of West Africa shares on behalf of John Cooper Russell.

“In the account of William Scott there is no mention of the receipt from him of a cheque for £242.13.6 in April 1936 or at any time, nor is there any mention of the receipt from him of a cheque for £300 in October, 1936 or at any time, nor of a cheque for £75.3.6 in November 1936 or at any time. [319] There is no reference to any purchase on behalf of William Scott of Gold Reefs of West Africa shares. There is also no mention of the sale of Gold Reefs of West Africa shares and the pur-



chase of West African Mining Corporation shares on the 13th of November 1936, or at any time.

“I have examined the banking account of Scottish Gas Utilities Corporation Ltd. On the 31st December 1934, at a date when payment of interest on debentures and 5½% Notes was due, the balance in the account was 13s/5d. On 3rd January 1935 a cheque for £3,030 was paid into the Scottish Gas Utilities Corporation account from the Anglo African Corporation. The account of the Anglo African Corporation on the day before this cheque was paid had in it a credit balance of only £17.7.3 but on the 2nd January 1935 a cheque for £4,032 from the account of Maclean & Henderson went into the Anglo African Corporation account. It will thus be seen that the source of the payment of interest by the Scottish Gas Utilities Corporation in January 1935 was from Maclean & Henderson.

“At the next date when interest on the Scottish Gas Utilities Corporation debentures and notes became due, namely on 1st July 1935, the Scottish Gas Utilities Corporation had a credit balance on their current account of £13.16.11. Two cheques for the total value of £12,297.10.0 drawn by the Dunn Trust Limited to Stanley Grove Spiro on 5th July 1935 were paid into the accounts of Scottish Gas Utilities [320] Corporation. These cheques which are referred to amongst others by David Kerman in his deposition were advances to Stanley Grove Spiro.

“A similar transaction was carried through on 3rd January 1936 through the Mills Conduit Investment Ltd., at a time when the credit balance of Scottish Gas Utilities Corporation Current account consisted of 10s/11d.

“At no time after the beginning of 1935 does the current account of the Scottish Gas Utilities Corporation with Barclays Bank show the receipt of any substantial sums other than those to which I have referred.

“I have investigated a series of transactions between Stanley Grove Spiro and the Mills Conduit Investments Ltd., and between Stanley Grove Spiro and the Dunn Trust Ltd. In each case Stanley Grove Spiro appears to have been acting throughout on behalf of Maclean & Henderson.

“In the transactions with Mills Conduit Investments Ltd. Stanley Grove Spiro, Alex Graham (otherwise Strakosch), and Samuel Taylor received a large number of cheques by way of advances between August 1934 and September 1936. The total value of these cheques was £189,585.10.6. 116 of these cheques representing a total value of over £137,000 were converted into cash, and cheques to the value of over £19,000 were paid to the Anglo African Corporation Ltd.

“In the series of similar transactions with the Dunn Trust Ltd., between January 1935 and February 1937, Stanley [321] Grove Spiro and his two associates, Alex Graham (otherwise Strakosch) and

Samuel Taylor, received cheques to the total amount of £95,848.13.8. 58 of these cheques were converted into cash, representing a total value of over £64,000, and cheques to the value of over £13,500 were paid to the Anglo African Corporation Ltd. It will be seen that by this method Stanley Grove Spiro was able to convert securities sent by clients of Maclean & Henderson into ready money."

There is a man called Taylor who proves the law, the sections I have cited, and I don't think it is necessary for me to read that. It is just copied from the Larceny Act of 1916 which I have spoken about.

Then a man called Gankerseer, who is a detective inspector of the City of London Police who identifies photographs of Spiro and Graham (otherwise Strakosch). He gives a description of each.

Then, your Honor, might I ask if Mr. Waller will produce the passport. I am asking if Mr. Waller, who is the Austrian Consul, will produce a passport, which is mentioned in the evidence of Gankerseer.

Mr. Isidore Dockweiler: We want to be very accommodating, but you can't ask the Defendant to produce any testimony, and the passport belongs to the Defendant. It doesn't belong to the Austrian Consul.

Mr. Hankey: I understand the Austrian Consul has it in his possession. It is in the court room now. [322]

Mr. Isidore Dockweiler: Well, your Honor, that belongs to the Defendant. It may be that later on we might want to present it, but, Brother Hankey, under our Constitution and Federal Procedure, and you are bound by our law in that respect, you can't force the Defendant to produce anything.

Mr. Hankey: I am not forcing the Defendant. I am asking the Austrian Consul.

The Commissioner: Do you wish to call Dr. Waller as a witness?

Mr. Hankey: Yes.

The Commissioner: All right, Doctor, will you come up and be sworn?

DR. F. WALLER,

called as a witness on behalf of the Complainant, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Hankey:

Q. Dr. Waller, you are the Austrian Consul in Los Angeles? A. Yes, sir.

Q. Have you in your possession a passport issued in the name of Strakosch? A. I do.

Q. Where did you obtain that passport?

A. Any Austrian subject in prison here has to have his passport at the Austrian Consulate, in custody of the Austrian [323] Consulate.

Q. Did you obtain that from the accused here, the passport from the accused? A. Yes.

(Testimony of Dr. F. Waller.)

Q. Will you produce it?

Mr. Henry Dockweiler: We object on the ground of diplomatic and consular immunity with reference to their files.

Mr. Hankey: The reason I am asking Dr. Waller to produce it is that he said on the last occasion that he would produce it.

Mr. Isidore Dockweiler: He wants to be accommodating. He is a perfect gentleman. But we are representing the Defendant here. We are not representing the Austrian Consul.

By Mr. Hankey:

Q. Dr. Waller, is that passport No. 537847?

Mr. Henry Dockweiler: We object to that. Dr. Waller,—I will take Dr. Waller on *voire dire*.

#### *Voire Dire Examination*

By Mr. Henry Dockweiler:

Q. Dr. Waller, your name is F. Waller, is it not?

A. Yes.

Q. You are the Consul of Austria for that part of the United States in which the Southern District of California is located, are you? A. Yes.

Q. What is the extent of the territorial jurisdiction [324] of your Consulate?

A. Seven Western States, Alaska, Hawaii, and the Philippines.

Q. Including the State of California?

A. Yes, sir.

(Testimony of Dr. F. Waller.)

Q. You bear a commission from your government, The Austrian Government? A. Yes.

Q. You bear an exequatur from the President of the United States? A. Yes, I do.

Q. In the customary and the usual form?

A. Yes, sir.

Q. How long have you been such Consul?

A. Four years.

Q. Continuous last past? A. Yes.

Q. You are such now? A. Yes.

Q. And in taking over the custody of the passport of the accused, you are acting in your official capacity? A. I was.

Q. Under the instructions and practice of your government? A. Yes.

Mr. Henry Dockweiler: That is all on voir dire.

[325]

Mr. Hankey: I take it you have no objection to his producing that passport, have you?

Mr. Dockweiler: Before asking Consul to produce the passport, counsel for the accused desire to enter an objection.

Mr. Isidore Dockweiler: Upon the ground that the question is wholly improper, irrelevant, and immaterial.

The Commissioner: This is a question of privilege that must be claimed by the witness.

(Addressing witness.) Do you feel that the records in your possession are privileged; that is, that you cannot be required to produce them?

(Testimony of Dr. F. Waller.)

Mr. Hankey: Mr. Waller is not under subpoena. He volunteered on the last occasion——

Mr. Isidore Dockweiler: He is the essence of courtesy, just as you would be and just as Mr. Evans would be. We want to be accommodating to one another, but here is involved the rights of the Defendant.

The Commissioner: No; the question involved here is whether or not the Austrian Consul feels that records in his possession are privileged matters.

Mr. Isidore Dockweiler: It is obvious that they must be privileged.

The Witness: I feel that the passport which is in the custody of the Austrian Consulate is the property of the Austrian Government. [326]

The Commissioner: That is possibly so; but do you feel that that is privileged; that is, that you may not be required in this court or any other court in this country to produce it?

The Witness: I do.

The Commissioner: Well, I think under those circumstances I will not require its production.

Mr. Hankey: May I ask one question: This particular passport, from whose hands did you receive it?

The Witness: I received the passport from the accused.

Mr. Hankey: He handed it to you himself?

The Witness: Yes.

(Testimony of Dr. F. Waller.)

Mr. Hankey: He stated it was the accused's passport, and if it is the accused's passport, doesn't that mean that it belongs to him?

The Witness: The passport always remains the property of the Government which issues the passport, and particularly in a case where the holder of the passport in a foreign country is in prison. Under such conditions all belongings of that party are under the custody of the respective Consulate.

Mr. Finucane: Isn't the test of privilege whether or not the foreign government will be put to any diplomatic embarrassment by the production of the document in question?

The Commissioner: Possibly so.

Mr. Finucane: Passports are commonly produced in court by various governments. [327]

The Commissioner: Yes, but we will have to give considerable consideration to this: It is probably up to the Consul to decide whether it is a privileged matter or not. If he says so, then presumptively it is.

Mr. Hankey: May I ask another question: If it becomes a matter—you, as a Consul, desire naturally to help your Austrian fellow subjects, but that would not extend so far as to protect them against the results of criminal offences. If you consider it a question of identity, would it——

Mr. Isidore Dockweiler: We object to that question as irrelevant, incompetent, and immaterial.



(Testimony of Dr. F. Waller.)

The Commissioner: Objection sustained. You don't need to answer that question.

Mr. Hankey: I won't carry that any further.

He did testify that it was his passport, but I think he is sufficiently identified without the passport.

(Witness excused.)

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Mr. Hankey: Well, now, I have gone all through these depositions sketchily, as your Honor has read them, and the only thing that I have not done is to call a witness that I intended to call to prove value in some cases of this various personal property which has been obtained by false pretenses. I did not call this man in deference to Mr. Dockweiler, who said he thought it wouldn't be necessary. Many of these properties, which are stated to have been obtained by false pretenses, the values are stated by the so-called [328] "victims" who give these depositions; but in some few cases they are not, and I would wish to fill up the gaps. I have obtained the information from London. I don't know whether Mr. Dockweiler will stipulate as to those values; and those values which are given in Pounds are roughly about a fifth of the number of Dollars because in all this time the Pound was worth \$5.00.

The Commissioner: Let's take a short recess, gentlemen, and discuss that matter.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Mr. Henry Dockweiler: About these value, I don't know much about them myself. Will Mr. Hankey just tell me the basis of ascertaining these values? I don't know that we have any particular objection to admitting them.

Mr. Hankey: I hand you a letter which I received from James A. Clay & Company.

Mr. Henry Dockweiler: In view of this letter from James A. Clay & Company of Los Angeles, predicating their report of values on communications they have had with E. A. Ames & Co. of New York, we have no objection to permitting the record to stand as to the values set forth in the statement contained with this letter of Clay & Company.

The Commissioner: Inasmuch as you have referred to the letter, why not have both of them marked?

Mr. Hankey: Yes. [329]

The Commissioner: I am not sure whether you offered the certified copies of the depositions into evidence or not.

Mr. Hankey: I now formally offer the proceedings under the seal of Mr. Johnson, the United States Charge d'Affaires in London, which we have been reading from all the time, and which are before your Honor as the basis for the proceedings in this case.

The Commissioner: I will mark that as Exhibit 1, and this letter and the tabulation which I will attach to the letter, will be marked "British Consul's Exhibit 2."

(The documents referred to were received in evidence and marked "British Consul's Exhibits 1 and 2, respectively.")

Mr. Hankey: I would also ask, to save time and trouble, if Mr. Dockweiler would stipulate that those figures given in that paper, Exhibit 2, may be translated into Pounds by dividing the Dollars by five. That is substantially the value of the Pound, \$5.00.

Mr. Henry Dockweiler: As of the time when the transactions occurred.

Mr. Hankey: Yes.

Mr. Henry Dockweiler: If that is the case, we have no objection to that.

Mr. Hankey: I am informed that is so. Then it is so stipulated.

The Commissioner: Anything further, Mr. Hankey?

Mr. Hankey: No, your Honor. [330]

Mr. Henry Dockweiler: Is there any argument you want to make, Mr. Hankey, or any points that you want to develop with reference to this application for extradition?

Mr. Hankey: Of course, I could get up and talk for an hour or so, but in view of the Commissioner's statement that he has read through the depositions, and I think he is well apprised of the nature of the evidence and the charges, I hardly think it is necessary for me to argue on the question; and, of course, if there is any point that I may have to deal with on your argument, I can reserve it until that time.

Mr. Henry Dockweiler: Very well. Then we will

want to make some extended argument on the matter, Mr. Commissioner. I wonder whether or not you would prefer to resume at an hour this afternoon. I see it is just about 12:00 o'clock.

The Commissioner: What is your pleasure in this matter, gentlemen? Shall we argue this case this afternoon?

(Discussion outside the record.)

The Commissioner: We will recess until 2:00 o'clock.

(Thereupon, at 12:00 o'clock m., a recess was taken until 2:00 o'clock p. m. of the same date.)

[331]

Los Angeles, California

Friday, December 10, 1937                      2:00 o'Clock P. M.

The Commissioner: Ready, gentlemen?

Mr. Hankey: We are quite ready.

The Commissioner: It is my understanding that you are waiving your opening?

Mr. Hankey: Yes.

Mr. Henry Dockweiler: Shall we proceed?

The Commissioner: Yes.

Opening Argument on Behalf of the Accused

Mr. Henry Dockweiler: May it please the Commissioner, on behalf of the accused we wish to argue this point: The insufficiency of the case so far as presented to you as Commissioner to authorize you to make any recommendation to Washington except

that the accused be dismissed. In other words, we wish to argue the point that the evidence is insufficient to sustain the charges under the Treaty and under the proceedings necessary before you as a Commissioner.

Bearing that in mind, I want to go through the depositions which are, after all, the entire case. We know quite well that whatever may be the extradition practice with reference to countries other than Great Britain and the United States, which are probably single and sole among the nations of the world to require a *prima facie* case, whatever may be the practice in other countries with reference to accepting [332] the warrant of arrest of a foreign country, or the indictment or information there filed, that is insufficient in either Great Britain or the United States where there is a question of extradition between those two countries. Something more is required, namely, the proving of a *prima facie* case.

That is, by and large, the objection we find, and that is the basis upon which we request the Commissioner to certify to Washington that he deems the evidence insufficient to sustain the charges under the Treaty.

Now, let us take the depositions. There are 30 of them.

The Commissioner: Do you have the Treaty here?

Mr. Henry Dockweiler: Yes. May I read the applicable provisions of the Treaty. This is the Treaty

referred to in the complaint, and I see that it is sometimes referred to as the Treaty of extradition between the United States and Great Britain of December 21, 1931. As I recall, exchange of ratifications did not take place until the next year, so that it is frequently referred to as the 1932 extradition Treaty. It appears in United States Treaties, Series No. 849.

The applicable provision is this: Article 9: The extradition shall take place only if the evidence be found sufficient, according to the laws of the high contracting party applied to, either to justify the committal of the prisoner for trial in case the crime or offence had been committed in the country of such high contracting party, or to prove that the prisoner is the identical person convicted [333] by the high courts of the high contracting party who makes the requisition, and that the crime or offence of which he has been convicted, is one in respect of which extradition could, at the time of such conviction, have been granted by the high contracting party applied to.

Now, your Honor, that requires a severance of thought. First, as to extradition applied for in respect of those accused but not convicted of crime; secondly, extradition applied for with respect to those convicted of crime.

The first part of Article 9, therefore, requires that in respect of extradition upon an application predicated upon accusation only, that there must be evidence found sufficient to justify the committal of

the prisoner for trial in case the crime or crimes of which he is accused were committed in the country of the high contracting party applied to.

The high contracting party applied to in this case is the United States.

In other words, this Article 9 provides for what we call the *prima facie* case requirement in international law. I will have more to say about that.

The Commissioner: You will recall the old Treaty which I think is the Treaty that this one superseded, referred to evidence of criminality. There must be a probable showing of criminality. It has been a difficult term to construe.

Mr. Henry Dockweiler: Yes, the showing of probable cause. [334]

The Commissioner: "Evidence of Criminality," that was the particular phrase that we had so much trouble with because it is rather unknown to me.

Mr. Henry Dockweiler: The phraseology, I think, of this Treaty is considered to be the ideal phraseology, not only along the lines of an extradition treaty generally, but with especial reference to this *prima facie* requirement.

Bearing that provision of the Treaty in mind, I would also invite attention to the applicable provision of the criminal code and the code of criminal procedure of the United States. That is found in Section 651 of the United States Code annotated.

The Commissioner: What title?

Mr. Henry Dockweiler: It is derived from several statutes.

Mr. Hankey: Is that the United States Code of Laws, 1935?

Mr. Henry Dockweiler: Title 18, Criminal Code and Criminal Procedure, Section 651; and if you will indulge me, I will read the whole section, although I am interested only in one sentence.

“Fugitives from Foreign Countries. Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign government, any Justice of the Supreme Court, Circuit Judge, District Judge, or Commissioner, authorized to do so by any of the courts of the [335] United States, or Judge of a court of record of general jurisdiction of any state may, upon complaint made under oath, charging any person found within the limits of said state, district, or territory, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged that he may be brought before such Justice, Judge, or Commissioner, to the end that evidence of criminality may be heard and considered.

“If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same together with a copy of all testimony taken before him to the Secretary of State,” and then follow provisions that are here not of interest.



The Commissioner: I think it is from that statute that I picked that phrase rather than from the previous treaty.

Mr. Henry Dockweiler: Yes.

Now, Mr. Commissioner and your Honor, I want to have it borne in mind that the provisions of that statute must be read in the light of the treaty which is invoked, and the treaty which is invoked in this case is a more requiring treaty so far as protection for the accused is concerned than the treaties made between most other countries, as for instance, France and Switzerland, South American states among themselves, Balkan States with South American states. In [336] other words, the protection of the accused is, in the light of the Anglo-American Jurisprudence one of the most sacred protections, and one of the most carefully guarded rights that we have, even though there may be involved, as there most generally is in these extradition cases, a question of a citizen of the requiring country.

The Commissioner: I think that is an irrelevant matter, don't you?

Mr. Henry Dockweiler: I think it is one of the special requirements of this 1931 Treaty to be borne in mind.

Now, as to the depositions: There are, I find, 30 depositions, and I will ask you to bear with me while I refer to each and every deposition wherein Strakosch or Graham occurs by name.

The Court: I don't want you to refer to all of them. I want you to refer to those in which he is identified.

Mr. Henry Dockweiler: There are not many references.

Mr. Isidore Dockweiler: We contend there is no adequate identification.

The Commissioner: I would rather have you refer to only those in which he is identified by the witness.

Mr. Finucane: If it will be of any assistance, I have a digest of the ones in which he has been identified.

The Commissioner: For this reason: That undoubtedly these depositions show that crimes have been committed, and as far as I can see, the only question here is whether this [337] Defendant is identified.

Mr. Henry Dockweiler: That is, with the crimes.

The Commissioner: With the crimes that have been set out.

Mr. Henry Dockweiler: There is no question but that crime has been committed here, and very reprehensible crime.

The Commissioner: And the question is whether the accused was a member of that conspiracy—I don't mean to say "conspiracy." I am referring to the crime.

Mr. Henry Dockweiler: Or group of malefactors.

The Commissioner: Yes.

Mr. Henry Dockweiler: It has to be tested by the rule of probable cause, as we have it in our courts.

The Commissioner: I believe so. I think your statement is correct there.

Mr. Henry Dockweiler: Yes.

The Commissioner: Counsel has offered to give you those depositions.

Mr. Henry Dockweiler: I have not segregated mine. I want to go through all of them to show the weakness of the connection in the matter of probable cause.

The Commissioner: I don't think there is any reason to argue the fact that a crime has been committed. The crime was committed.

Mr. Henry Dockweiler: This Spiro is undoubtedly sufficiently linked up. [338]

The Commissioner: We are not trying Spiro. Let's go to those depositions that might connect this Defendant with the case.

Mr. Finucane: 52, 57, 58, 63, and 79.

Mr. Henry Dockweiler: All right. In 52 we have a Mr. Engel who was a company secretary. He was engaged by Mr. Martin and acted as registrar of Gold Reefs of West Africa; and he called upon occasion to see the secretary of the West African Mining Corporation.

No mention is made in the first page of the deposition of Mr. Graham.

On the second page he says that he remembers seeing a man named Graham; that Hickman intro-

duced him; that Hickman and Graham met in his presence; that Hickman, who was virtually the owner of the company at that time, told him that he was disposing of his block of shares to Mr. Alex Graham, and an agreement was signed by Hickman. This agreement, although dated November 30, 1936, did not come into being until January, 1937.

Hickman told him that Graham had said he would supply sufficient funds to work the company. Graham gave him instructions to get new offices, and he found some which were not suitable.

Graham said he had found some, and they moved to Gresham Street. He saw no money pass between Graham and Hickman.

Then Mr. Scully and Mr. King resigned as directors on [339] the 21st of January, presumably 1937, and Graham took over.

The Commissioner: Then he is identified in paragraph 6. He identifies the photograph. He says, "I have seen the photograph and I identify the photograph marked 2 as the photograph of Graham."

Mr. Henry Dockweiler: Then he states that he saw Graham on February 4, and that was the last occasion. He didn't know where he now was, and that he identifies Graham by the photograph marked 2; that he certified 170,000 shares out of Graham's name. "We moved to 28 Martin Lane, after which I did not see Graham."

Then page 57—

Mr. Hankey: It begins on page 55, Phillips, the deposition of May Lillian Phillips. The identification is right at the end.

Mr. Henry Dockweiler: "Alex Graham told me to go to an office in King William Street."

"The photograph exhibit No. 2 is the photograph of the man I knew as Alex Graham."

Croucher testifies to Graham (otherwise Strakosch).

Mr. Hankey: No, no; about the middle of that paragraph 3.

Mr. Henry Dockweiler: "The staff when I began to work there consisted of Miss Brabyn, Mrs. Lowry, Mr. Taylor and Mr. Graham, (I have heard Graham called 'Strakosch'), Mr. Sharp, myself and a housekeeper." [340]

Graham gave her instructions with reference to the firm of Maclean & Henderson.

Mr. Hankey: Page 63 is the next.

The Commissioner: I think there is some further reference here in paragraph 5; that is on page 59: "Stanley Grove Spiro sometimes dictated letters with reference to this concern, and also Graham (otherwise Strakosch)."

Mr. Henry Dockweiler: "Stanley Grove Spiro sometimes dictated letters with reference to this concern, and also Graham (otherwise Strakosch). When stationery was required for the company I may have mentioned it to Graham or Taylor. When I asked for it, I got it."

63, Ethel Lowry: She mentions Graham's name at the end of the deposition. "I have known Alex Graham since the Autumn of 1932. I knew him as Mr. Strakosch."

That is all the reference she makes to him.

Mr. Hankey: 79.

The Commissioner: I think that that deposition can be disregarded as hearsay.

Mr. Henry Dockweiler: Yes; that is purely hearsay. There is no foundation given for any identification there.

Mr. Hankey: It is just the formal policeman's identification.

Mr. Henry Dockweiler: The same may be said, your Honor, with reference to the identification on page 63. There isn't a thing there that connects Mr. Graham or Mr. Strakosch, [341] whichever is used; no connection of him with the company in any respect touching these irregular transactions.

Now, whatever may be said upon the point, there is no question that under the Treaty this accused cannot be extradited unless in a court of Justice in our country there was such evidence adduced as that probable cause was shown, and on the basis of that probable cause he could be bound over for trial in our Superior Court or in the Federal Court.

A mere accusation, a warrant of arrest, will not, under the British-American Treaty—I have some more authorities I want to read on that—will not be accepted as sufficient to justify extradition be-

tween the United States and Great Britain because of the requirement which is written in that Treaty which gives the accused the right to protection from oppression in being sent to the requisitioning country, unless the evidence adduced on the request of his extradition is such that in the United States he would be bound over to our upper courts for trial on the criminal charge.

In that connection I beg to refer to an authoritative volume, volume 29, Numbers 1 and 2 of the American Journal of International Law, Section two, being the issue for January and April, 1935.

In the first place I want to make several references. On page 239 comment is made by the Research Committee on the provision for a prima facie case.

The Commissioner: Isn't this the proposed Treaty? [342]

Mr. Henry Dockweiler: That was a proposed Treaty, but, you see, in recommending the proposed Treaty, they referred to the existing treaties of importance. Among the existing treaties of importance, illustrative of the highest achievement in negotiations, is this British-American Treaty.

The Commissioner: I don't mean to interrupt you, but when this Treaty, on which, I understand, a great deal of work was done at Harvard, was proposed I very strenuously objected to it for the reason that we had, under the older treaties, some settled decisions that helped us; but to throw the whole thing open again to a long series of cases, I didn't think

it was justified. Of course, it may be, in the view of the man that drew it, it may be an ideal treaty. But I doubt if we are justified in throwing over the decisions that we have had and which we have more or less gotten used to following. I never have had any use for this Treaty. I realize the point you are making here.

Mr. Henry Dockweiler: It specifically provides for a prima facie showing in every case where Great Britain asks of the United States or the United States asks of Great Britain the extradition of an accused. And on page 188 there are discussions and references that make conclusive the point I am raising. It is a discussion upon the rule of the prima facie case by the requesting state, and it is pointed out that in respect to the relations of Great Britain and the United States in connection with extradition, that [343] has been adhered to from the very start. Reference is made to the Treaty of 1864.

The Commissioner: That is the Hay-Pauncefot Treaty. The Hay-Pauncefot Treaty has been the Treaty that we have been operating under for a great many years until the Treaty of 1931.

Mr. Henry Dockweiler: And reference is made to the British Extradition Law of 1870 as maintaining the distinction, and then it refers to our modern treaty drafting as being more accurate on this point; that is, the prima facie case matter as appears in Article 9 of our Treaty with Great Britain.



The Commissioner: I doubt if it is more certain. I think that has already been well established.

Mr. Henry Dockweiler: If I might interrupt, the Treaty under which I have always understood we have worked until this new 1931 Treaty was the Treaty of 1842.

The Commissioner: No; Mr. Hay was not Secretary of State in 1842. That is the Webster-Ashburton Treaty.

Mr. Henry Dockweiler: I may be wrong.

Mr. Isidore Dockweiler: John Hay was Secretary to President Lincoln, and afterwards Secretary of State under President McKinley.

The Commissioner: Yes. So the Treaty of '64 is the Hay Treaty. The Webster-Ashburton Treaty was 1842.

Mr. Henry Dockweiler: Then reference is made to the [344] requirement under the United States Extradition Law which provides that the Judge, if he deems the evidence sufficient "to sustain the charge under the provisions of the proper Treaty or Convention" shall certify the same to the Secretary of State.

This is apposite: "The different practices of nations, with regard to evidence of guilt of the person claimed which is required to support extradition, results from the difference of emphasis which is placed by them, on the one hand, upon the importance of international cooperation in the suppression of crime, and, on the other hand, upon the protec-

tion of the individual against oppression.” (That is page 189.)

On page 190: “An English writer more briefly portrays the dilemma in the following fashion, letting us see at the same time the emphasis by British tradition upon protection of the individual against oppression:” (Quoting him) “It would be a pity that criminals should be harbored amongst us, but it would be a still greater subject of regret were the guarantees of personal liberty endangered.”

Then reference to the Treaty of Amiens of 1802. As far back as 1802 you find Great Britain herself in a treaty dealing with extradition for murder, fraudulent bankruptcy, and forgery only, and it is said here, in commenting upon that, “In it the British hand is certainly evident in the proviso that accused persons shall be delivered up ‘only [345] when the evidence of the criminality shall be so authenticated as that the laws of the country where the person so accused shall be found would justify his apprehension and committal for trial if the offence had been there committed.’ ”

Then it refers to the Jay Treaty between the United States and Great Britain of 1794, which contained an article on extradition with a proviso that “surrender shall only be made ‘on such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the offence had been there committed.’ ”

It is said that in 1795, in negotiations looking to an extradition arrangement with Spain, the United States representative declined any provision short of that embodying the *prima facie* case.

“The Webster-Ashburton Treaty of 1842 between the United States and Great Britain contained the same provision on the *prima facie* case which had appeared in the Jay Treaty. Every subsequent extradition treaty to which the United States has been a party, except one with Uruguay, has contained such a provision, at least as far as the treaty has had application to action in the United States.”

Then it is to be noted what the British themselves have done with reference to this *prima facie* case requirement.

“Mr. Neate, as a member of the House of Commons in 1866—— [346]

Mr. Hankey: What page?

Mr. Henry Dockweiler: 191. (Continuing) “—a member of the Select Committee of the House of Commons, which investigated the whole subject of extradition in 1868, unsuccessfully urged the abandonment of the doctrine of the *prima facie* case,” and made some pretty strong arguments as are set forth in several paragraphs following.

Then we go to page 192: “Notwithstanding this plea, (that is, Mr. Neate’s plea of the Select Committee) Extradition Act 1870, Article 10, perpetuated in Great Britain the rule of the *prima facie* case in this language:

“In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorizing the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of the Act) would according to the laws of England, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.”

Then it refers to the corresponding United States Statute which, “after providing that the person claimed shall be brought before a judicial officer ‘to the end that the evidence of criminality may be heard and considered,’ proceeds:

“If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper [347] Treaty or Convention, he shall certify the same. . . . to the Secretary of State, that a warrant may issue upon the requisition of the proper parties of such foreign government, for the surrender of such person. . . .”

Then the commentator follows, on page 193, with this statement:

“With very few exceptions treaties, to which neither the United States nor Great Britain is a party, either expressly negative the requirement of any proof of guilt beyond the warrant of arrest, or contain no provision on the subject.”

In other words, except as to treaties made by the United States and Great Britain with foreign coun-

tries, or Great Britain on the one hand and foreign countries on the other; or the United States on the one hand and South American, European, or Asiatic states on the other, all treaties have no provision concerning the *prima facie* case. Great Britain and the United States, however, in their treaties do require that.

It is pointed out that Latin American countries have accepted treaty provisions requiring *prima facie* evidence of culpability when negotiating with the United States and Great Britain, but, as shown in the last preceding footnote (which sets forth a number of authorities), will often be found making treaties containing no such requirement. That is, treaties with other parties.

Now, may it please the Commissioner, notice the reference [348] to proof of guilt beyond the warrant of arrest. In other words, the warrant of arrest is not, in extradition cases between the United States and Great Britain, considered as a sufficient basis upon which to predicate a certification to the Secretary of State.

The Commissioner: I think we can all agree on that. In other words, when I am sitting in this case, I am sitting in the same position as if I were a committing magistrate in England.

Mr. Henry Dockweiler: In other words, a Judge of our Municipal Court determining whether there is probable cause.

The Commissioner: If I were sitting in London, I would be sitting as a magistrate.

Mr. Henry Dockweiler: Whereas, in other countries where there wasn't this provision of the prima facie case, you might accept the warrant as sufficient.

So it is pointed out that in civil law states generally the warrant of arrest is accepted and is regarded as sufficient evidence of guilt on the part of the person claimed to justify extradition.

Mr. Hankey: I don't contend that.

The Commissioner: Mr. Dockweiler, I don't know whether you have ever sat as a committing magistrate or not. You must realize the difficulties we have in determining probable cause.

Mr. Henry Dockweiler: I realize the difficulties, but [349] if there is doubt of probable cause, the doubt must be resolved in favor of the accused. That is why we so often have situations right in our Municipal Courts—

The Commissioner: I don't know whether you agree, but I think that if there is doubt, that it probably should be resolved in favor of the state.

Mr. Hankey: I took this from 7 Cal. Jurisprudence, page 982:

“The term ‘reasonable and probable cause’ has been defined to mean such a state of facts as would lead a man of ordinary caution and prudence to believe and conscientiously entertain a strong suspicion that the person accused is guilty.”

That is 7 Cal. Jurisprudence, page 982.

“The committing magistrate is not bound by the rule of reasonable doubt and may hold a defendant

to answer, though the evidence before him would not support a verdict of guilty." Same volume, page 983.

Then in the English court, in *Queen versus Carden*, 5, Queen's Bench Division, page 6:

"The province of the Commissioner is 'to determine on hearing the evidence for the prosecution and that for the defense, if there be any, whether the case is one in which the Accused ought to be put upon trial. It is no part of his province to try the case.' "

Mr. Henry Dockweiler: Of course, that is from a British [350] decision.

Mr. Hankey: I think the rule is that the competency is dependent upon the foreign law and relevancy is dependent on the domicile.

The Commissioner: We don't have to worry about that. We are dealing with two jurisdictions which are very little different.

Mr. Henry Dockweiler: In other words, you have to present a case which is considered by the committing magistrate to involve probability that the man, if tried, would be convicted. A mere suspicion is not sufficient. Anybody who is linked with someone convicted or accused——

The Commissioner: Probable cause evidently falls between suspicion——

Mr. Henry Dockweiler: (Interrupting) And beyond a reasonable doubt.

The Commissioner: I say, it falls between there.

The thing that bothers me in this case, as I requested you in going over these depositions, my thought was this: In reading these depositions I have considerable doubt as to whether this defendant has been identified as one of the principals in the case. That is the point.

Mr. Isidore Dockweiler: Now, there is plenty of evidence against Spiro. All of these depositions seem to be against Spiro.

The Commissioner: I would have no trouble at all if [351] Spiro were before me.

Mr. Isidore Dockweiler: The name "Strakosch" or "Graham" appears in just the most incidental fashion, just the references by these stenographers and several others.

The Commissioner: There is this identification by the rental agent and the stenographers who identify him. But the question arises in my mind as to whether they have identified him with any of the fraudulent transactions.

Mr. Henry Dockweiler: That is where we say their fundamental and unanswerable weakness is upon this record, and I have marked out, and probably you have also noted, not one transaction that they connect him up with—not one. He may have been around the office. Suppose, we will say, that your Honor were guilty of some offence in this room, perpetrated in this room. Myself and the other gentlemen here are present. They see us around. Suppose I do pay the rent for this room. That doesn't connect me up with the crime, and we



know perfectly well, from our experience as lawyers, that upon what we call preliminary hearings you have got to adduce much more than a bare suspicion or connecting up the man as a friend of the accused, or that he was in the office.

There isn't a thing that connects Strakosch or Graham up with any one of these things which, after all, require a criminal intent; and that will not be presumed from a mere connection with an office in that he rented an office.

As a clerk he could rent an office, and that is un-  
[352] doubtedly what would be shown at the other end. He might perfectly well do all of the things that are stated here—order stationery, dictate letters with reference to change of address, do all sorts of things, and yet, unless you can connect him up with the crimes that are involved, and there are, of course, crimes in this case that clearly involve Spiro, you cannot identify him with either the unlawful conversion or the taking of money under false pretenses.

And remember, the charges are of two classes—unlawful conversion and taking money under false pretenses. Where have they proven—not proven, but given you the elements of a case? And that is what the *prima facie* rule requires—the elements of a case—that you could say, “Well, reasonable men would differ as to whether this man, Strakosch, was identified with this affair.”

There are different charges, 15 different offences. Not a one of them connect Strakosch or Graham up.

We notice the allegation is that the accused and Spiro got certain persons to turn securities over to Maclean & Henderson, or to Bunt & Co., or this one Scottish company, these companies representing that they were doing a lawful and proper business, whereas they weren't. There isn't a thing to connect him up, either as office manager, for instance—even then, in a concern where two or three men run the concern, and one man does something wrong, that doesn't imply irregularity and criminal imputation upon the others [353] We know that perfectly well. We are confronted every day, and our District Attorney never brings——

The Commissioner: (Interrupting) What we have here is the old time bucket shop. That is just what this amounts to. The only thing I am asking Mr. Hankey is to show me where he has identified this accused with the frauds that are alleged here.

Mr. Isidore Dockweiler: Just think, your Honor. They have 30 depositions; 30 different witnesses have given their testimony, and just on five pages throughout that whole mass of testimony Strakosch or Graham is referred to, and no connection with the crime.

Mr. Henry Dockweiler: Not one of them had any dealings with him. I am speaking of those who lost money. Not a person.

Mr. Hankey: Now, if the Commissioner has any doubt as to what we would call the elements of a case here that identify him with these crimes, I should like to have the opportunity of clearly going through the evidence.

The Commissioner: I am familiar with the evidence, but I will confess that I have doubts.

I will say this: That when we receive these documents from English courts, why, we get them in just as good shape as they can be gotten in—much better than we do.

Mr. Isidore Dockweiler: If they had any real evidence against the respondent in this case, Strakosch, it certainly [354] would have been in one or in several—at least in one of the 30 depositions.

The Commissioner: Well, the rental agent identified him as being associated with Spiro. Association is evidence.

Mr. Isidore Dockweiler: In a case where there is other strong evidence it might be considered, but of and by itself, there would be no justification for the certification to the Secretary of State—

The Commissioner: I know, Mr. Dockweiler, but it is not offered by itself. It is offered in connection with evidence that there are certain frauds here, and association is evidence in this type of case.

Mr. Henry Dockweiler: I don't think you could jump to the conclusion of association without more than mere, desultory references to the man being in the office; even that he sent letters out, we will say. What letters? They don't say whether he sent these letters to these particular individuals who were defrauded. There isn't a thing that connects him up with a single one of these 15—whatever they are in number—instances of conversion or fraud.

Suppose he had been connected with a thousand other transactions. You couldn't connect him with these particular 15, and he wouldn't be answerable for these particular 15 unless you had evidence that connected him up.

Where is the evidence that connects him up with anyone of these? [355]

The Commissioner: You ask Mr. Hankey that.

Mr. Hankey: There is evidence, your Honor, that he was the manager of Maclean & Henderson; that he was there all the time, he was the only person who was there, and looked after this arrangement.

Now, if there is any doubt—I don't know; your Honor has expressed certain doubts, and, of course, it is not my function to press this, but just to put the evidence before your Honor — I don't know whether you are satisfied, whether there is a doubt in your Honor's mind as to our identification as to Alex Graham being Strakosch.

The Commissioner: I think that has been established.

Mr. Hankey: As connecting him with these various offences.

As Mr. Dockweiler says, there is a huge number of these depositions and I could save a great deal of time if we could have a recess say until Monday and I could condense the whole thing, and tell in a very few minutes. You see, I haven't—

Mr. Henry Dockweiler: (Interrupting) His name is mentioned in 15 of them in one way or another.

Mr. Hankey: You have to refer from one deposition to another and give the identical place, how you connect it up. I would like to have just a little time to do that.

The Commissioner: I would be glad to give you all the time you want in the matter. However, I must definitely leave on the 15th. [356]

(Discussion outside the record.)

Mr. Hankey: I can go through the evidence again and point out the places.

The Commissioner: I have read these depositions now, and I read them twice; and I have been over portions of them since that time. So I am pretty familiar with the depositions.

The only question in my mind, Mr. Hankey—I say, there is no doubt but what you have identified this accused as Strakosch—the only question in my mind is this: As to whether you have offered sufficient evidence to connect him with any of these fraudulent dealings.

Mr. Hankey: You have to recollect, your Honor is not trying this case.

The Commissioner: No; I am not trying the case. I am trying to see if there is probable cause. However, a definite suspicion must be based on some evidence. I am just asking on what evidence you base that suspicion.

Mr. Hankey: We have the evidence that he opened the office at New Broad Street for Maclean & Henderson.

The Commissioner: That, in itself, is an innocent act.

Mr. Hankey: That he was there all the time; that he was the man who carried on all the transactions there; that the stenographer, Miss Phillips, said that he attended to everything; not only that he wrote letters from the office at 16 Conduit Street—

The Commissioner: (Interrupting) We don't have those [357] letters.

Mr. Hankey: It is not necessary at this stage to produce the actual documents. I mean to say, in testifying on depositions—it isn't necessary in giving depositions in an extradition case to produce all the evidence called for at the trial.

The Commissioner: You say he may have written letters. Those may have been innocent letters.

Mr. Hankey: I mean, the letters were received and telephone calls were made and testified to by these various people from Maclean & Henderson and Bunt & Co., both of which offices he opened, and at both of which it is testified that he was there all the time, managing the business.

Mr. Henry Dockweiler: Where do we find that he was there all the time, managing the business? I would like to clear that up.

Mr. Isidore Dockweiler: Wouldn't it have been easy, if Strakosch had been involved in this crime, for one of the witnesses to have said, "Why, I went to such and such an office and was met by a man by the name of Strakosch or Graham or what not, and I talked to him, and he sold me, he induced me, or as the result of representations made by him to me, I turned over such and such shares of such and such

a company, which were valuable; and in exchange he gave me shares in a company, the shares of which were of no value.”

How easy that would be. But evidently that never [358] occurred because out of 30, they would certainly have something.

Mr. Hankey: On page 55, Miss Phillips' evidence: "I was employed as shorthand-typist by Maclean & Henderson starting in January of 1935. \* \* \* Mr. Graham took me from Suffolk Street to New Broad Street a few days later. No one else was working at New Broad Street."

Mr. Henry Dockweiler: She doesn't say that he was working there.

Mr. Hankey: "I was working alone for a couple of days at New Broad Street. I was typing out reports on various companies the first two days. Mr. Graham gave me the instructions."

Then later on down she says that, "William Underhill dealt with the post unless Alex Graham was there before him; then he dealt with it."

Then at the bottom: "Alex Graham used to come to the office at New Broad Street almost every day. Graham dictated all letters as to change of address."

Over on the next page: "One of my duties was to attend to the telephone switchboard. Alex Graham used to ask for a line and get his own numbers."

Mr. Isidore Dockweiler: He may have been telephoning to his girl or to a friend.

The Commissioner: The question I am asking: "Alex Graham used to come to the office at New

Broad Street almost [359] every day. Graham dictated all letters as to change of address.”

Now, is that evidence of a crime?

Mr. Hankey: Together with all the evidence that there was certainly crime perpetrated by people who were connected with Maclean & Henderson.

The Commissioner: There is no doubt about that.

Mr. Hankey: And Graham opened this—or Strakosch opened this office, that he was there conducting this office.

Mr. Finucane: I think the ultimate fact is that all of these bogus shares of stock that were sold were in Strakosch’s name, part of the time; and that he was acting as the seller of this stock when he knew at the time it wasn’t worth anything. On page 52, the West Africa Company shares were allotted to Graham; and that they were taken out of his name.

Mr. Henry Dockweiler: When and where? At what time?

Mr. Finucane: He must have known about them. He had access to the books.

Mr. Henry Dockweiler: Where does it show that?

Mr. Finucane: Because they are the firm’s books, and he was running the firm.

Mr. Henry Dockweiler: Where do you find that in the depositions?

Mr. Finucane: The stenographer.

Mr. Henry Dockweiler: This is what she says: “Mr. Graham took me from Suffolk Street to New Broad Street a few [360] days later.”



The Commissioner: If you will refer to the end of Engel's deposition, Engel testifies that he took care of those transfers. He says: "I certified the 170,000 shares out of Graham's name. I certified the whole lot. We moved to 28 Martin Lane, after which I did not see Graham. At the moment no expense has been incurred to develop this property in Africa. No one has been employed in Africa."

That is the Engel deposition; that is on page 52.

Mr. Finucane: It seems to me that there is every bit of evidence in this case except actually that anyone of the customers identified him; but we must remember that a great deal of this conversation and orders testified to here were done over the telephone, and you can say you are anyone over the telephone and there is no one that can contradict your word because they can't see you.

The Commissioner: That is probably an argument Mr. Dockweiler could use.

Mr. Henry Dockweiler: You say that Mr. Mortimer and Mr. Richards were Mr. Strakosch. You admit that there was an Elphinstone and Taylor and Stanley; that they existed, Stanley being Spiro. Mortimer you say you don't know. Richards, you don't know. Royston, you don't know.

Mr. Hankey: We know that Royston was identified as Spiro.

Mr. Henry Dockweiler: I don't know where that occurs, [361] but of the various people you know that certain people existed. I take it that Elphinstone existed. And Taylor, we know that he existed, do we?

Mr. Finucane: Yes; he ran Bunt & Co.

Mr. Henry Dockweiler: You have to have more than that to jump the hurdle that everybody who lost something lost it because Mr. Strakosch represented himself to be Mortimer or Richards or some other man over the telephone.

Mr. Finucane: No, we don't say that. We do say that he was running the Maclean & Henderson office.

The Commissioner: You have pointed to the weakness in counsel's case, and that is the difficulty of identifying Strakosch as participating in any one particular fraud.

Mr. Hankey: Many of the letters were signed with all sorts of odd names.

The Commissioner: That is not before me.

Mr. Hankey: Yes, your Honor. I can give you the evidence.

The Commissioner: There is evidence of letters being received. But, I say, do you have evidence before me, other than the testimony of the typist, that these letters were signed by him? For example, you have the testimony of the typist to the effect that he signed all letters, but you do not identify any one of those letters.

Mr. Hankey: No; we have no letters. Is that necessary?

Mr. Henry Dockweiler: In that very connection, you have [362] this deposition of Ethel Lowry, who was a typist for Spiro, and she says right at the very end: "I have seen Stanley Grove Spiro write in various disguises."

Now, maybe it was this fellow Spiro, who was writing these various letters, talking at the other end of the wire. And it is inconceivable that you could ask, for instance, a court, to jump that hurdle and say, "Well, everybody that isn't identified might be the accused," without further ado. That, I think, wouldn't stand up in our courts; and I am sure Great Britain views it the same way. And the protection of the freedom of the accused, until there is a *prima facie* case made against him, is as sacred in that great country as it is in our own because we are both of the same juridical stock, I might say.

The Commissioner: I might say, if I were in a magistrate's court in London, I would be in the same position as I am in today.

Mr. Hankey: There is one point, if your Honor please: One of these witnesses didn't get his certificates of stock which were supposed to have been bought, and for which he received a buying contract. He rang up Maclean & Henderson and spoke to Graham, and Graham said that there was always some difficulty about getting the certificates.

The Commissioner: What proof do you have that it was Graham? [363]

Mr. Hankey: Except that Graham was the man running that office.

The Commissioner: Supposing I call up your office and you answer and say, "This is David Head." Is there any way that I have of disproving the fact that you are not David Head?

Mr. Hankey: I am in control of my own office, presumably, and I shouldn't complain if an inquiry was answered by my office; if you are supposing that it was done by my authority, then it would be for me to show that it was not me that gave that authority.

The Commissioner: I think the burden would be on me if I were assuming the affirmative.

Mr. Hankey: Wouldn't you have a strong suspicion it was done either by me or under my authority?

The Commissioner: I might have a suspicion. How could I prove it.

Mr. Hankey: I say, I am not required to prove it was actually that man. We are not trying the case.

The Commissioner: No. Say I went into the Superior Court and I testified that I had called your office, and I was unable to identify your voice. I would say that I talked to somebody who said, "This is Mr. Hankey." Of course, I do know your voice, but supposing I could not identify you except by simply the statement that you said, "This is Mr. Hankey." Mr. Dockweiler made objection to any further tes- [364] timony, and I probably could not state the conversation. Am I correct, Mr. Dockweiler?

Mr. Henry Dockweiler: Yes.

Mr. Hankey: I think it is quite enough evidence to create a strong suspicion and to put the burden of proof on me to show whether it was me.

The Commissioner: Whether or not it is evidence at all; that is the point.

Mr. Hankey: I submit that it is. It is no good taking one isolated case. You have to consider all of this. I would like to go through carefully through this.

The Commissioner: I think we have argued this just about as far as we can go this afternoon. I will put this over until Monday morning. In the meantime I will read these depositions again.

Mr. Hankey: In the meantime, if you will allow me, I will digest these depositions and point out line by line and page by page exactly how and where I consider this accused connected with these crimes.

The Commissioner: I think I have explained just where my difficulty comes in the matter, and that it is not a question of a crime being committed. That is definite.

Mr. Hankey: It is not a question of his identity, as being Alex Graham <sup>or</sup> of Strakosch?

The Commissioner: That has been established, no doubt.

Mr. Hankey: It is a question whether I can show whether [365] there is such evidence as would lead your Honor to entertain a strong suspicion that he might have committed these offences and should be sent to stand trial.

The Commissioner: And the type of evidence that I would hold a man to answer the Grand Jury.

Mr. Henry Dockweiler: In other words, the type of evidence that the D. A. has to put on before the

Municipal Court here upon a preliminary hearing, as we say.

Mr. Hankey: That is right, exactly.

The Commissioner: I think there is no argument about that.

Mr. Isidore Dockweiler: I feel certain that certainly among these 30 respective deponents, that if they had anything against Strakosch, they would have mentioned it, as they certainly did against Spiro. The evidence is as complete as evidence could be showing that Spiro was guilty of conversion and of fraud. If we were defending Spiro, if Mr. Spiro were here, we would have to throw up our hands and say, "Well, he has got to go to Great Britain." But to send this boy, take him from here to New York and across the sea, and all that sort of thing, to London, and put him upon trial there on a record that is absolutely defective in each and every respect as regards the tests to be applied—

Mr. Henry Dockweiler: And it runs contrary to not alone our position as a government but the British position itself. Remember, the British have been the sticklers for that since [366] the first treaties were negotiated.

The Commissioner: I would have very little hesitancy about sending him to London. I realize that he would have a fair trial there. There is no doubt about that.

Mr. Henry Dockweiler: But the Treaty gives him the right of probable cause showing at this end.

The Commissioner: And we are going to do our best to see that those rights are preserved.

I would like to read these depositions again, and I will read them between now and Monday morning.

The matter will be adjourned until 2:00 o'clock Monday. That is the 13th.

Dr. Waller: The Austrian Government is particular interested to ascertain how, when, and in the presence of whom the accused was arrested. I agree in advance that this question will be considered as immaterial by both the lawyers of the British Consulate as well as by the lawyers of the accused, but I am accredited to this Government here under the most favored nation clause, and that most favored clause entitles me to certain privileges which are included in the treaties not only existing between Austria and the United States but between various governments and the United States; and I request your Honor to grant me this favor, to have the accused state under oath how, when, and in the presence of whom he has been arrested.

Mr. Isidore Dockweiler: That is quite a story, and that [367] may come up later on. You can put the responsibility on us. But there is a divorce proceeding, or the mother of this boy——

The Commissioner: Let's not go into any such matter as that. The only question is this: The doctor has requested that the accused be put on the stand. Of course, that is something for you to decide.

Mr. Isidore Dockweiler: Our contention is that it is an attempt to remove this boy from this jurisdiction——

Mr. Henry Dockweiler: I see no objection. As I understand, the Commissioner would like to know whether or not we, as the lawyers for the accused, have any objection, or wish it to be done, having in mind the doctor's request. It is agreeable to us.

Mr. Hankey: I wish to warn Mr. Dockweiler, if they are going to put the witness on the stand, I have the right to cross examine him, and cross examine him not only as to what he goes into on direct, but under the law of evidence of England, on all matters in connection with this proceeding.

Mr. Henry Dockweiler: We will reserve putting him on the stand until Monday, and we can each clarify ourselves as to the law.

The Commissioner: May I say this, Doctor: Any matter that has occurred, as I understand the laws of this country, that no matter about the procedure of a man's arrest, as soon as he is brought before a magistrate, that cures all defects. [368] A man may be unlawfully arrested, but when he is once before a magistrate, you cannot go behind that.

Dr. Waller: I am not questioning the arrest. I would like merely to ascertain where and when he was arrested—those two questions are very precise—and who, to his knowledge, was present when he was arrested. That all could be answered in two minutes.

The Commissioner: I presume the return of the Marshal's warrant would show that, and that is in the files. Maybe it wouldn't show who was present, but I think it is an entirely irrelevant matter. As I



say, as soon as the Defendant is brought before a magistrate, that cures any defect that may previously have occurred.

Mr. Henry Dockweiler: May we not stand on that point until Monday?

The Commissioner: Well, yes. We will let that matter go.

(Thereupon, at 3:15 o'clock p. m., an adjournment was taken until 2:00 o'clock p. m., Monday, December 13, 1937.) [369]

Los Angeles, California  
Monday, December 13, 1937  
2:00 O'Clock P. M.

The Commissioner: The matter of United States of America, on the relation of Francis E. Evans, British Consul, against Alex Graham, alias Strakosch.

Now, my understanding is that both parties have rested their evidence.

Mr. Hankey: I have my reply.

The Commissioner: But, I say, your evidence is rested. Both parties have rested their evidence.

Mr. Isidore Dockweiler: Yes, we have rested the evidence; oh, yes.

Mr. Hankey: Yes, your Honor.

Mr. Isidore Dockweiler: We rest on the argument and the motion to dismiss.

Mr. Hankey: May I have your Honor's indulgence.

We have seen that both by the English law and the American law the persons aiding and abetting in the commission of the crime are liable in the same way as principal offenders.

Section 35 of the English Larceny Act of 1916 is this:

“Every person who knowingly and wilfully aids, abets, counsels, procures or commands the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried and punished as a principal offender.” [370]

Section 31 of the California Penal Code provides:

“All persons concerned in the commission of a crime whether it be felony or misdemeanor and whether they directly commit the act constituting the offence, or aid and abet in its commission, or, not being present, have advised and encouraged its commission . . . are principals in any crime so committed.”

Now, in *People versus Gallagher*, 100 Cal. Reports, page 466, it is stated in the synopsis as follows:

“One who participates in the fraudulent misappropriation of the funds of a corporation by its secretary under circumstances clearly indicating guilty knowledge and criminal intent, is liable as a principal co-worker in the performance of the acts constituting the *corpus delicti*.”

In the *People versus Nolan*, 144 Cal. Reports, page 75, at page 79:

“It is declared by the Penal Code that the distinction between an accessory before the fact and a principal, and between principals in the first and second degree, in cases of felonies, is abrogated, and that all persons concerned in the commission of a felony, whether they directly commit the act constituting the offence, or aid and abet in its commission, or, not being present, have advised and encouraged its commission, are principals in any crime so committed. It is further provided by Section 971 of the Penal Code, as amended in 1880, that ‘no other facts may be alleged in any indictment [371] or information against such an accessory than are required in an indictment or information against his principal.’”

It is evident that the person who does not actually commit the crime, but who aids and abets its commission, who was formerly considered an accessory is now considered a principal. The word “abet” is stated in 1 Corpus Juris, page 301, to mean “importing assistance, cooperation, and encouragement.”

I don't doubt that there may be a difference in the degree of culpability between those who cooperate in the commission of crimes, but for the purpose of trial one who aids and abets or cooperates is treated as a principal.

In the case of conviction it is for the judge in passing sentence to judge of the various degrees of culpability of different accused persons.

Numbers One and Two, January and April, 1935, published by the American Society of International Law, and I read on page 194:

“The development of the doctrine of the *prima facie* case in Great Britain and the United States in extradition proceedings seems to rest partly upon the suspicion of inadequacy of proceedings under other systems of law, and partly upon the feeling that one who is within the State is entitled to the protection of the State’s system of criminal procedure, as well when he is accused of a crime abroad, as when he is accused of a crime within the requested State.

“Full acceptance of the first ground will lead to re- [374] fusar to extradite at all. However, States have come to see clearly the need of concerted action in the suppression of crime, which has led to a great extension of the practice of extradition. Undoubtedly greater mutual understanding of and faith in each other’s judicial processes have developed. It is believed that States should now be willing to accept each other’s warrants of arrest as evidence that, upon examination in the requesting State, sufficient evidence of guilt has been adduced to justify a criminal trial.

“The second ground suggested above for the rule as to *prima facie* cases assumes that extradition is essentially the same as a proceeding to commit for trial in the requested State, and this idea is probably strengthened by the usual requirement that the acts for which extradition is sought must also be of a kind to be punishable in the requested State.

Ordinarily, however, the very act for which extradition is sought is not punishable in the requested State, and all that the requested State wants to know is that the charge against the person claimed is so relatively serious as to call for concerted repressive action; the act of extradition cannot in any proper sense be the equivalent of commitment for trial, for the sovereignty which is to be vindicated and the law which is to be enforced as a consequence of extradition are those of the requesting State.

“Extradition is an international act based upon faith in the judicial processes of the requesting State, and in aid [375] of those processes. It would seem that all that the requested State should require as presumptive evidence of guilt sufficient to justify submitting a person claimed to the further judicial processes in the requesting State is that formal evidence of probable guilt which the formal warrant of arrest for criminal prosecution constitutes under any enlightened system of law.

“It is true that this warrant of arrest may have been, and probably has been issued without an examination of the person claimed, and that in the extradition proceedings such examination is possible, since an arrest must have been made in the requested State before such proceedings can go forward. But this failure of the requesting State to examine is due to the absence of the person claimed. His return for trial may, in case of innocence, be a hardship, but that does not seem a reason why the requested State should insist upon substituting its preliminary criminal procedure, often quite dif-

ferent in character from that of the requesting State. The acceptance of the warrant of arrest issued by the requesting State as sufficient evidence on the point of probable guilt, obviates also the danger of a varying standard which often enters when further evidence of probable guilt is required.

“It is to be borne in mind, of course, that the doctrine of the *prima facie* case has nothing to do with proof of identity of the person claimed, of the extraditable character of [376] the acts alleged to have been committed, of the place of committal of the acts alleged, of the political or military character of the offense charged, or of acquisition of immunity through lapse of time. It has to do only with the requirement or non-requirement by the requested State of evidence, beyond the formal warrant of arrest, that the person claimed did the act charged in the warrant of arrest, for which act it is desired to put him on trial in the requesting State through the cooperation of the requested State in extraditing him.”

On the question of what is probable cause, it is stated in *ex parte Heacock*, 8 Cal. App. page 420, which was a case on appeal for a writ of habeas corpus—

Mr. Henry Dockweiler: May I have the citation again?

Mr. Hankey: *Ex parte Heacock*, 8 Cal. Appellate, page 420.

Reading at page 421:

“It is made by statute a ground of discharge ‘where a party has been committed on a criminal charge without reasonable or probable cause.’ The term ‘probable’ has been defined to mean ‘having more evidence for than against; supported by evidence which inclines the mind to believe, but leaves some room for doubt.’ The meaning of the expression ‘probable cause,’ as used in the Federal Constitution, referring to the issuance of warrants is that there is a probability that a crime has been committed by the person named [377] in the warrant. The facts which are stated upon oath before the court or magistrate must induce a reasonable probability that all the acts have been done which constitute the offence charged.”

Then in *re James*, 47 Cal. App. 205: At page 207 there is a passage on the question of what is reasonable—on the point of whether the accused person sought to be extradited is entitled to the benefit of reasonable doubt.

It is said: “Petitioner’s claim—(that was an application for habeas corpus.)—Petitioner’s claim that the evidence must show an intent to defraud beyond a reasonable doubt is answered by the case last cited, although the specific question as to intent did not arise in that case. However, Section 872 of the Penal Code provides that a defendant must be held ‘if it appears from the examination that a public offence has been committed.’ This language im-

ports a degree of conviction far short of a belief beyond a reasonable doubt.

“*Exparte Becker*, 86 Cal. 402 (25 Pac. 9) discusses the degree of proof required before a committing magistrate and says:

‘Whether it is sufficient to convict beyond a reasonable doubt, it is the province of the jury to say, and ought not to be determined in advance on habeas corpus.’ The cases cited by Petitioner in support of his claim do not deal with the measure of proof and are not in point. No authority has [378] been brought to our attention, and we feel assured that none exists, holding that a committing magistrate must, in a case of the character under review, be satisfied as to any fact beyond a reasonable doubt.

“We discover no adequate reason for disturbing the commitment. Writ dismissed and Petitioner remanded.”

Now, going to the evidence, I don't whether it is necessary for me to again—I understand your Honor was fairly well satisfied that the accused, Alex Graham, and Strakosch were one and the same person.

I might repeat that Mr. Engel at page 52 of the depositions says: “I have seen a photograph and I identify the photograph marked 2 as the photograph of Graham.”

On page 57 May Lillian Phillips says: “The photograph, exhibit No. 2, is the photograph of the man I knew as Alex Graham.”

Ruby Croucher on page 58 says: “I have heard Graham called ‘Strakosch’.”



Ethel Mary Lowry says, on page 63: "I have known Alex Graham since the Autumn of 1932. I knew him as Mr. Strakosch."

So I submit that it is proved that Strakosch and Graham are one and the same person.

Now, we find Graham, Spiro, Taylor and their associates operating from five different addresses:

Maclean & Henderson, from 36 New Broad Street; as Bunt & Co. from 1 Royal Exchange Avenue; as Irving & Co. from 29 [379] King William Street; also from 16 Conduit Street and 5 Suffolk Street.

We find Graham present when the agreements were made for renting these offices; also taking the stenographers there to work, giving instructions to employees, dictating letters, paying the employees' wages, giving instructions for printing the stock lists sent to customers, and using the telephones to customers.

Graham also gave instructions at 5 Suffolk Street in connection with the business of Maclean & Henderson and Bunt & Co., and dictated letters written on the letterheads of Maclean & Henderson and Bunt & Co. at 5 Suffolk Street.

I submit that to be asked to believe that where a man is working at five different addresses for the same outfit, and giving people to understand that these firms are not connected under such circumstances as are shown here, he is acting innocently, is too great a strain on one's credulity.

Graham, it is also shown, shared in the money that was obtained by the frauds. The mere fact of using

the two names, "Graham" and "Strakosch" without any explanation is a badge of fraud.

Going through the depositions in detail, the depositions show that Graham was actively engaged in these frauds:

In December 1934 Graham called with Stanley—that is on page 15—called on Sancha and arranged for Maclean & Henderson about renting the office at 36 New Broad Street. [380] He called with Stanley, who is identified as Spiro. On page 55 Miss May Lillian Phillips says: "If Mr. Stanley is Stanley Grove Spiro, I have seen him."

And on page 63 Miss Lowry says: "I know Stanley Grove Spiro of 5 Suffolk Street. I was first introduced to him at the end of May 1932. He was introduced to me as Mr. Stanley."

Now, in January 1935 Graham took the stenographer, Miss Phillips to New Broad Street. She says: "Mr. Graham took me from Suffolk Street to New Broad Street a few days later." She had gone for an interview in January 1935 to 5 Suffolk Street.

"No one else was working at New Broad Street. I was working alone for a couple of days at New Broad Street . . . Mr. Graham gave me the instructions."

She says, at the bottom of the page: "Alex Graham used to come to the office at New Broad Street almost every day."

At the top of page 56 she says: "Alex Graham used to ask for a line and get his own numbers."

Now, that is important because I hope to show your Honor that Richards was, in fact, Graham.

Then, "Graham dictated all letters as to change of address." He opened the mail and dealt with it.

On page 58, Graham had letterheads of both Maclean & Henderson and Bunt & Co. at 5 Suffolk Street, and dictated letters to Miss Croucher there on those letterheads. She says at page 58, "I entered the employment of Stanley Grove [381] Spiro in January, 1936. I called and saw him at 5 Suffolk Street. I was engaged as a typist to work at 5 Suffolk Street. I worked at that address for both companies, Scottish Gas Utilities Corporation Ltd. and the Anglo-African Corporation Ltd. The staff when I began to work there consisted of Miss Brabyn, Mrs. Lowry, Mr. Taylor and Mr. Graham. I have heard Graham called 'Strakosch'."

"Graham (otherwise Strakosch) gave me instructions with reference to firm of Maclean & Henderson."

"I typed letters and answered the telephone during the lunch hour during the absence of Miss Brabyn. Stanley Grove Spiro dictated letters to me with regard to Maclean & Henderson; so did Graham (otherwise Strakosch). . . I did it on paper headed 'Maclean & Henderson'. I had a small supply. The paper had a Broad Street address. I mentioned to Graham (otherwise Strakosch) when Maclean & Henderson's paper was running short, and I got more."

Then, over on the next page: "Stationery of S. R. Bunt & Co. was also at 5 Suffolk Street. Bunt's

address was on the paper. Stanley Grove Spiro sometimes dictated letters with reference to this concern, and also Graham (otherwise Strakosch).”

Now, in December, 1935, coming to telephone conversations, turning to page 33, Peter Daniel says: “In the course of my dealings with Spiro he told me that if I rang up Maclean & Henderson and was unable to get in touch with him, [382] I was to ask for a Mr. Graham, and to deal with no one else. Mr. Graham is, I verily believe, Strakosch.

“Early in the month of December 1935, having received none of the certificates which I had been expecting, I rang up Maclean & Henderson and spoke to the said Graham. He made an excuse that the certificates were often held up, and I subsequently wrote to the firm but was unable to obtain any explanation or satisfaction.”

Now, on the point of the telephone conversations, the law is laid down in *Union Construction Company versus Western Union Telegraph Company*, 163 Cal. page 298 at page 308:

“The general rule, as gathered from the foregoing decisions, is that where it is shown that the witness called up the other party at his place of business, through the Central Station with which both were connected, and received a response as in the usual course of business over the telephone, this is sufficient prima facie identification of the speaker at the other end of the line as the party called, or his authorized agent, and that, upon such proof, the ensuing conversation, if otherwise admissible, may

be testified to by the witness. It is proper to add that the weight of such evidence depends largely upon the circumstances of each case and is always a question for the trial court or jury. The court erred in excluding the evidence of Veeder and Jackson relating to this subject."

Now, there is another case, *Eastman against Means*, 75 [383] Cal. App. 537, at page 538. The appellate court said as follows:

"An action to recover damages which, according to the findings of the trial court, were wilfully inflicted by appellant upon respondent, the latter being a minor. Judgment was entered against appellant and the appeal taken therefrom.

"As a ground for reversal it is contended that the Court erred in permitting the father and mother of the minor to testify that following the injuries alleged some conversations were had by them by means of the telephone, which, if the person with whom they conversed was the appellant, were admissible as evidence of admissions then made by the latter.

"The witnesses mentioned and appellant were all residents of the City of Los Angeles, (That is the same here; Peter Daniel was a resident of the City of London as shown at the top of his deposition, Wimpole Street, London, was his address.) And it appears from the testimony that the person with whom the conversations were had answered a telephone call to the residence of appellant, was addressed by the name of appellant, and that the

answers to the inquiries of the witnesses referred to the transaction involved in the action. This testimony was sufficient prima facie to prove the identity of appellant with the person addressed and was properly admitted." (Citing the case I read before, Union Construction Co. versus Western Union Telegraph Company.)

Now, at the end of 1934 Graham gave instructions for [384] printing on behalf of Maclean & Henderson, including the printing of "The Weekly Financial Review," and Graham paid the printer Mildner, in bank notes at his request.

In the early part of 1936 Spiro introduced Graham to Mr. Jones, managing director of Mills Conduit Investments Ltd., as his assistant in the firm of Maclean & Henderson, and asked him to let Graham have money if he should want it. These are on page 64 and 65.

Mr. Jones said: "Some time in the early part of 1936 Stanley Grove Spiro came and told me that he was going abroad. He brought Alex Graham and introduced him as his assistant, and asked should Alex Graham be wanting any money I was to let him have it and he would be responsible for it."

Lower down he says: "In Alex Graham's case he deposited as collateral security Maclean & Henderson cheques."

Then in the last paragraph he says: "The actual cheques paid to Stanley Grove Spiro, Alex Graham and Samuel Taylor in connection with the loans referred to above I produced at the trial of Samuel

Taylor, John William Robert Elphinstone and William Underhill.”

So that Graham had deposited as collateral security Maclean & Henderson cheques with Mills Conduit Investments Ltd. and received their cheques in return.

In the early Summer of 1936, turning to page 66 and 67, Spiro introduced Graham and Taylor to Mr. Kerman, managing director of Dunn Trust Ltd. as his assistant in charge of his [385] office.

That is in paragraph 5: “In the early Summer of 1936 Stanley Grove Spiro introduced both Alex Graham and Samuel Taylor to me. He told me that they were his assistants and in charge of his office while he was abroad. One or two transactions were carried out with Alex Graham and Samuel Taylor. So far as I remember we had no securities. They deposited Maclean & Henderson cheques and in most cases they were paid. Maclean & Henderson occasionally sent us their clients’ cheques which they had endorsed. The actual cheques paid to Stanley Grove Spiro, Alex Graham and Samuel Taylor, in connection with the loans referred to above, I produced at the trial of Samuel Taylor, John William Robert Elphinstone and William Underhill.”

Now, between August 1934 and September 1936, referring to page 71, these three persons received very large sums of money from the Mills Conduit Investment Company and from the Dunn Trust Ltd. Mr. Williams, who was the managing director of—

The Commissioner: Williams is on page 68 and

ends on 71. That is the accountant testifying there. Williams is the accountant.

Mr. Hankey: Williams, the accountant, says this:—

The Commissioner: Page 71?

Mr. Hankey: Page 71.

“I have investigated a series of transactions between [386] Stanley Grove Spiro and the Mills Conduit Investments Ltd., and between Stanley Grove Spiro and the Dunn Trust Ltd. In each case Stanley Grove Spiro appears to have been acting throughout on behalf of Maclean & Henderson.

“In the transactions with Mills Conduit Investments Ltd. Stanley Grove Spiro, Alex Graham (otherwise Strakosch), and Samuel Taylor received a large number of cheques by way of advances between August, 1934, and September, 1936. The total value of these cheques was £189,585.10.6. 116 of these cheques representing a total value of over £137,000 were converted into cash and cheques to the value of over £19,000 were paid to the Anglo-African Corporation Ltd.

“In the series of similar transactions with the Dunn Trust Ltd. between January 1935 and February 1937, Stanley Grove Spiro and his two associates Alex Graham (otherwise Strakosch) and Samuel Taylor, received cheques to the total amount of £95,848.13.8. 58 of these cheques were converted into cash, representing a total value of over £64,000, and cheques to the value of over £13,500 were paid to the Anglo-African Corporation Ltd. It will be seen that by this method Stanley Grove Spiro was



able to convert securities sent by clients of Maclean & Henderson into ready money.”

It will be thus be seen that, as a matter of arithmetic, the total that Spiro, Graham and Taylor received in cash against securities from these two firms amounted to £201,000 or over a million dollars. That was money that was turned [387] into cash, and is not accounted for. That doesn't take into account cheques in the amount of £19,000 and £13,500, a total of £32,500, or approximately \$162,500 in American money, which was paid into the Anglo-African Corporation.

In May 1936 Graham took Miss Watson, a stenographer, to the office of Maclean & Henderson at New Broad Street and introduced her to William Underhill. On page 61, paragraph 3, Miss Watson says: “I was sent at the end of the week to Bilbao House, 36 New Broad Street, E. C. Stanley Grove Spiro told me to go there on the telephone on the Monday morning. Alex Graham took me there. This was still in May, 1936. When I arrived at New Broad Street, I was introduced to William Underhill, who, I understood, was the manager. From that time until January 1937 I remained in the employ of Maclean & Henderson at 36 New Broad Street.”

Now, with regard to Bunt & Co., turning to page 72 we find that Graham was present when the offices were rented for Bunt & Co. Mr. Bridge says: “I am secretary of the trustees of Sir Francis Graham Moon Bart, deceased, and reside at Dytchley, Woking, Surrey.

“The trustees are the landlords of 1 Royal Exchange Avenue, E. C. An agreement was entered into on 20th April 1936. I had an interview with Taylor beforehand, and a Mr. Graham came with the person who signed the agreement.”

Now, that was the office of Bunt & Co., as shown on page 16. [388]

The Commissioner: Are you referring to Bridge?

Mr. Hankey: I am speaking now of page 16. It was Bridge that I was reading from page 72.

Agnes Elizabeth Payn, on page 16, paragraph 4—she is an official in the Registry of Business Names—says: “The firm of S. R. Bunt & Co. was first registered in the Registry of Business Names on 20th March 1917, by Solomon Row Bunt. A certificate was issued on 7th March 1936 to Samuel Taylor, whose residence was given as Willow Hill, North Crawley, Newport Pagnell, Bucks. The address of the business was given on such certificate as 1 Royal Exchange Avenue, E. C., and business was to commence on 28th February, 1936.”

Now, in April, 1936 Graham took the stenographer, Miss Phillips, to work for S. R. Bunt & Co. at 1 Royal Exchange Avenue. That is shown on page 56. In paragraph 9 she says: “In April, 1936, I was taken by Alex Graham to S. R. Bunt & Co., 1 Royal Exchange Avenue, E. C. Alex Graham called William Underhill and me into the inner office and Alex Graham told William Underhill that I was going to work in S. R. Bunt & Co. and

off we went . . . Taylor's name was on the letter heading of S. R. Bunt & Co. . . . Alex Graham gave me orders at S. R. Bunt & Co. Alex Graham opened the letters, and gave me some. I did not have all. Others he took away."

Mr. Isidore Dockweiler: Mr. Commissioner, I don't want to foreclose our good friend Brother Hankey from proceeding, but he is just presenting what was presented the other day [389] by him, and he is going over it. I thought when he started to read that he was going to call our attention to sections of the depositions not heretofore submitted to your Honor, but all of this matter has been gone into. We have criticized every part of it.

Have you anything new, Brother Hankey?

Mr. Hankey: When we adjourned on the last occasion point was raised that Graham was not connected with these offences which have been committed. I did not go very fully, as the Commissioner will recollect, into all the parts of the depositions inasmuch as the Commissioner had read them. But the purpose of this is to point out, which I think I am entitled to do, Graham's connection with each one of these offices, and what he did there.

The Commissioner: I think at this time you have covered practically all of it, haven't you?

Mr. Hankey: No, I haven't.

The Commissioner: The particular matter that I called your attention to at the last session was what appeared to me to be the weak part of your

case, and that is, that there was very little direct reference to Strakosch in the depositions; and I was asking you to point out to me the direct references.

However, in the meantime I have again re-read the depositions and have given particular attention to those particular ones referring to Graham, and I believe now that you [390] have a better case. I feel that your case is a better one than I thought it to be.

Mr. Hankey: Not only that, I think I can show your Honor that Richards, the man who spoke over the telephone so much, was Graham.

The Commissioner: I don't see how you can do that.

Mr. Hankey: I can do that by reference to the times when the telephone calls were made and the records of those telephone calls given in the evidence of the official of the General Post Office in London.

The Commissioner: Yes; I have read those depositions, but what identifies him as Graham? I mean, what identifies Richards as Graham? We know who Graham was.

Mr. Hankey: It is a matter of inference. It is circumstantial evidence, I admit. But we know you cannot speak on the telephone——

The Commissioner: The only thing that I think connects Richards with Graham is the fact he was using an office from which calls were made out under the name of Richards, and I think the testi-

mony of one or two of the typists, that he used the telephone there.

Mr. Hankey: Yes, and that he got his own line so that they would not know what name he was calling under.

The Commissioner: That is the trouble. They don't know what name he was calling under.

Mr. Hankey: Miss Phillips said he always got his own [391] line, got his own numbers. The way I propose to show that Richards was Graham is this: In four cases we find Richards describing himself as the manager of Maclean & Henderson, ringing up from the office of Maclean & Henderson to these four customers previously to August, 1936, and recommending them to buy Gold Reefs of West Africa. It is the testimony of Miss Phillips that in August, 1936, Graham ceased to come to the office in New Broad Street.

We find in the evidence of those four customers that after he left in August, 1936, Richards, who had previously called them up about Gold Reefs called them up again on dates which they specify, and we find that those dates exactly coincide with dates when those customers were called up from the office in Conduit Street.

Now, we know that Richards was at the office in Conduit Street. It is highly improbable that anybody who had previously used the name "Richards" would alter that name, or that anybody else would use it to the same customers because they would know the sound of his voice.

The Commissioner: There is a flaw in your reasoning in that we don't know the man who first used the name "Richards" was Graham or Strakosch.

Mr. Hankey: We know that he was the manager of Maclean & Henderson, and all he did shows that he was the manager. He wrote the letters; he had access to the books; he collected the money; he pledged the securities. He described himself [392] as the manager. Who else would it likely be? I mean to say, it is a curious coincidence on those exact dates when Richards called up those four customers, after the date when Graham had left Broad Street, all those calls on those identical dates come from Conduit Street.

Mr. Henry Dockweiler: Where does Graham say he is the manager? Where is there evidence that Graham is the only man at this office?

Mr. Hankey: If you will allow me to proceed, I will show you.

The Commissioner: I am satisfied, Mr. Hankey, that you can't connect Graham with Richards. I don't believe that it can be done, except by an inference that would not be a legal inference.

Mr. Henry Dockweiler: Mr. Commissioner, you have an assortment of names; you have Taylor, Mortimer, Richards, Royston, Spiro, Elphinstone, Underhill, Stephens or Stephenson, Klein, Sharp, Keith Lambert, Henderson, and Aprange. Right there you have such an assortment of names that it

is only by the purest conjecture that you could ever connect up Graham with any of those names, and that is the fundamental—that shows the obvious weakness in our minds of Mr. Hankey's case—the fact that he has to dodge around from sentence to sentence and try to fill in gaps when there is no connection or specific reference to Graham or Strakosch with any one of these instances of criminal action; not a one. [393]

Mr. Isidore Dockweiler: It would have been so easy, had he been charged at the time, or suspected of criminal action. Why, these witnesses, as they pinned the iniquity of this misconduct upon Spiro, would have been able to have done it as to Graham or Strakosch. The stories are just ordinary stories as you would expect from a deposition regarding transactions had by the witness with the party involved; and nowhere is Strakosch or Graham connected with the doing of any improper act, any more than by these two stenographers, two women.

Mr. Henry Dockweiler: Under the statute, under the theory that he is an accessory, an accessory is only punishable if knowingly and willfully he participates. They don't show participation in any one of these transactions, let alone any knowledge on his part that it was wrong.

The Commissioner: The depositions taken as a whole show his participation. Now, for example, I believe the most damaging evidence is that of Engel, which I think you will find on page 51. He says, "I

remember meeting a man named Alex Graham. Hickman introduced me to him. Hickman and Graham met in my presence. Hickman, who was virtually the owner of the company at that time, told me that he was disposing of his block of shares to Mr. Alex Graham, and an agreement was signed by Hickman. This agreement, although dated 30th November 1936, did not come into being until January 1937." [394]

There is a conflict here in that one of the typists testified that Graham left the country in, I think, August of 1936.

Mr. Finucane: She said he went on a holiday. She didn't say where.

Mr. Henry Dockweiler: He said also that the agreement did not come into being until 1937, and the last charge is 1936.

The Commissioner: However, he says: "I certified the 170,000 shares out of Graham's name. I certified the whole lot. We moved to 28 Martin Lane, after which I did not see Graham."

Mr. Hankey: Those are the shares for which nothing was paid.

Mr. Finucane: Other people said they got the shares out of Graham's name prior to that.

The Commissioner: Yes.

Mr. Hankey: Jackson received two certified transfers, one for 3,000 shares and one for 7,000 shares out of the name of Alex Graham.



Mr. Henry Dockweiler: No, he didn't receive them. He declined—he said specifically on page 73—

The Commissioner: This is one of the companies that figures in several of the transactions—West African Mining Corporation.

Mr. Henry Dockweiler: How on earth, by picking out [395] isolated instances—anybody who worked in a store could be picked up——

The Commissioner: There is a good deal more than that, Mr. Dockweiler; in the renting of these offices; it is significant that it was Graham who was usually associated with Spiro in those transactions; and another significant point is that when Spiro left town, that he left orders with the Dunn Trust and with the Conduit Investment—whatever the name of that company is——

Mr. Hankey: Mills Conduit Investment Ltd.

The Commissioner: Mills Conduit Investment Ltd., yes; that he left instructions with them that—

Mr. Henry Dockweiler: (Interrupting) If he wanted any money, to give him credit?

The Commissioner: Not only he, but also Taylor. I say, it would appear—of course, Spiro is undoubtedly, to use the vernacular, the “ringleader” of this matter. But it would appear that there is a *prima facie* showing here that Taylor and Strakosch were fairly intimately associated with him; and there are so many of these transactions, and the renting of these offices, as Mr. Hankey states, if it was a legitimate business, they would not have had the

need of five offices; and the moving of typists from one office to another, and the use of different addresses, particularly when matters were being sent out, circulars and telephone calls and such, that is, to the same persons in reference to [396] the same transactions; that, of course, looks rather bad, and it seems that in at least three of these offices Graham appeared frequently and transacted a good deal of business in those offices such as writing letters and telephoning. Of course, that does not tie him in with any one of the particular frauds perpetrated; but it seems to me there is a showing that he participated in the general scheme.

Now, this law of aiding and abetting, I don't think we need to argue that because it has been a long time since an aider and abettor has not been a principal both in this jurisdiction and in England. It would be my interpretation of the law, following somewhat our law of mail fraud, that if these gentlemen acted in concert, and after having formed what appears to be a plan here, that they then proceeded to carry it out, Spiro doing one thing, Taylor doing something else, Strakosch opening the mail and telephoning from a particular office, or renting certain offices, it would seem to me that such a showing as that would be sufficient to send the case to the jury.

When we argued this matter the other day I was more impressed with the lack of any direct evidence of contact between Graham and any of the victims;

but then in re-reading the depositions for, I think, the third time, I am impressed with this showing of joint acts as between particularly Spiro and Graham or Strakosch. As far as Taylor is concerned I gather that these depositions contain very little evidence [397] against him inasmuch as he was in the jurisdiction and either went on trial or is to be tried, and these depositions were no doubt drawn with the purpose in mind of offering evidence principally against Spiro and Strakosch.

Mr. Isidore Dockweiler: Your Honor must not permit the impression that any reasonable person would have in reading over these depositions, that a great wrong was done by Spiro. There is no doubt about that. Then, of course, to be influenced, as one naturally might be under the usual conditions without an analysis of the testimony, and feel that—well, this boy, Graham, was running around with Spiro; he certainly must have had something to do with it. And I am afraid that feature has more or less impressed your Honor.

But I do want to respectfully submit to your Honor that I can't conceive of the Government of the United States surrendering to the Government of Great Britain for the purpose of trial in London on a grave larceny charge a young man who is 7,000 miles away from London, on the abbreviated, attenuated, and indirect, not direct, testimony in this case. I can't conceive that our State Department will do it.

Why, what is the liberty of a man worth? I am impressed with the fact that this man, Spiro, was as big a crook as could be developed. But this boy, why—suppose there were an application for one of these girls who happened to be visiting Los Angeles or California, one of the stenographers. Why, this boy, apparently, from all I could see, was sort of [398] a messenger boy.

I think that our regard, your Honor, for the precious character of the liberty of an individual, even though he is not a citizen of our own country, is such that I respectfully submit, your Honor, that I don't see how you can make an order recommending to the State Department that this young man be deported on the basis of this evidence because I feel, your Honor, that if they really had any evidence connecting this boy with any of these transactions that they connect Spiro with definitely and beyond doubt, they would have had it in the depositions. They would have alleged it. There was no restriction upon the witnesses. The witnesses were brought down and they did the best they could, and in a very indirect way referred to Strakosch or Graham.

And I say that there is inadequate connection, your Honor, and we must insist upon our viewpoint. The Court, of course, does whatever it sees fit; but we want the Court to understand that we are not only very serious about this thing, but that we believe that the record is utterly inefficient, and if this

same record was reversed, Mr. Hankey, no extradition would ever be granted by the British authorities to the American authorities. I can say that with the full conviction of the probability of such an action.

Now, Mr. Hankey comes here and does the best he can upon the record, your Honor; and the British Consul, he has been requested to attend to this matter, and he employs Mr. Hankey, [399] and Mr. Hankey, as the gentleman that he is, and a fine lawyer, he is doing the best he can by, after meticulously examining this record—I will bet Brother Hankey has slept on that record ever since he left here. There isn't any doubt about it because he is loyal to his work. But after the most minute examination, using the most high-powered intellectual glass, he has just picked out here and there some little incident; and we think that if this boy had been guilty of a crime there, they would say here, "On such and such a day I went up and met Mr. Graham, and he induced me to buy Gold Reefs of West Africa," or, "He induced me to change my good stock for shares of Gold Reefs of West Africa, and he represented to me that the stock he was giving me was good, and I find out that it is utterly worthless." Why couldn't they have testimony like that?

No. I think Mr. Hankey is to be congratulated and complimented upon his fine work. But it is just defective. It can't be done. You haven't got the evidence, Brother Hankey.

Would your Honor, if you were sitting as a Municipal Judge in this case, on that record bind a man over for trial? I don't think your Honor would.

The Commissioner: I would, in this jurisdiction, yes.

Mr. Isidore Dockweiler: Then I think it will be tested immediately on a writ of habeas corpus.

In my younger days on a number of occasions I have gone over that whole question as to probable cause—first, that [400] the crime has been committed; and that the probability is that the accused is guilty of the crime. You have got to show those two things. Crimes have been committed here. Now, what is the probability of this young man being connected in any way with the commission of any of the crimes referred to in the depositions?

There isn't anything further that we can say, your Honor.

The Commissioner: No; I think that everything has been said.

I wish to say this: The case has been ably presented, both on the part of the British Consul and the accused. I don't know of anything further that counsel on either side of the case could have done in presenting the matter to me.

This has not been an easy case. I have given it a good deal of thought in the last few days, and the other day I was extremely hesitant to believe that an order should be made recommending extradition. I have since that time, in re-studying these deposi-

tions, come to this conclusion: There seems to be a sufficient concert of action here shown in these depositions between Spiro, whom we all believe to be guilty, and this boy, that shows probable cause; that is, if this were a case, say, involving our mail fraud statute in this country, I believe that I would hold the Defendant to answer, and as I understand the Treaty, if that would be my decision in a case in this jurisdiction, it should govern [401] me in an extradition case.

So I have made up my mind to recommend to the Secretary of State that a warrant of extradition be issued.

Now, gentlemen, how do you wish to proceed in the matter of my report.

Mr. Isidore Dockweiler: We would like the opportunity of examining it, your Honor. We may take action here, or we may present the matter directly to the State Department, or through the Supreme Court of the District of Columbia.

I want to say, Mr. Hankey, that you are not going to get this boy out of this country on that record; that is, if we can help it. I want to say this, and it is no reflection—I hope the Court will not assume that this is personal at all—but I never, in all my life, have been confronted with a record so defective, so inefficient, so uncertain, so ambiguous, and so—well, so lacking in essential elements as this record here. You want to take this boy from California here, Los Angeles, across the country and

transport him across the seas. Of course, it would be of great interest to know who is paying for the transportation. I don't believe the British Government is going to pay for it. Of course, somebody is going to pay for it, but I don't believe the British Government is going to pay for it. The people who want to get this boy away from his mother in this country, they are the ones that are going to pay the cost of transportation.

The Commissioner: As I say, I have given it as careful thought and consideration as I could, and I feel that that is [402] a proper conclusion; and, of course, if I am wrong, why, that can be corrected.

(Whereupon, at 3:30 o'clock p. m., the hearing in the above-entitled matter was concluded.)

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[Note: British Consul's Exhibit No. 2 is here omitted because same is already set out at pages 259 to 260 of this printed record.] [403]

I, B. A. Bell, an official reporter in the United States District Court in and for the Southern District of California, Central Division, certify as follows:

That the foregoing pages 1 to 129, inclusive, constitute a true and correct transcript of the proceedings in the hereinbefore-entitled matter at the time and place hereinbefore mentioned.



And that the pages 130 to 132, inclusive, constitute a true and correct copy of the exhibit referred to as "British Consul's Exhibit No. 2."

B. A. BELL

Los Angeles, California. December 28, 1937. [407]

I hereby certify that the foregoing is a true and correct transcript of the proceedings had before me in the hereinbefore entitled case.

[Seal] DAVID B. HEAD,

United States Commissioner, Southern District of California.

Los Angeles, California. January 5, 1938.

[Endorsed]: Filed January 11, 1939. [408]

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[Endorsed]: No. 9166. United States Circuit Court of Appeals for the Ninth Circuit. United States of America, Ex-Rel. Francis E. Evans, as British Consul for the Southern District of California and for Arizona, Appellant, vs. Alex Graham, alias Strakosch, who gives his true name as Alexander Strakosch, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Southern District of California, Central Division.

Filed, April 26, 1939.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

In the United States Circuit Court of Appeals for  
the Ninth Circuit.

No. 9166

In the Matter of the Petition of ALEXANDER  
STRAKOSCH for a Writ of Habeas Corpus.

UNITED STATES OF AMERICA, Ex-Rel.,  
FRANCIS E. EVANS, as British Consul for  
the Southern District of California and for  
Arizona,

Appellant,

vs.

ALEX GRAHAM, alias STRAKOSCH, who gives  
his true name as ALEXANDER STRA-  
KOSCH,

Respondent.

CONCISE STATEMENT AS REQUIRED BY  
SUB-RULE 6 OF RULE 19 OF THE  
RULES OF PRACTICE

In compliance with Sub-Rule 6 of Rule 19 of  
the Rules of Practice of the United States Circuit  
Court of Appeals for the Ninth Circuit, Appellant  
hereby makes the concise statement of the points  
on which he intends to rely on this appeal, which is  
as follows, to-wit:

That there was legal evidence before Commis-  
sioner David B. Head at the extradition proceed-  
ings held before him on November 30th, 1937 and  
subsequent days, upon which he as a reasonable

person could decide that there was evidence sufficient to justify the commitment of the Accused, Alex Graham, alias Strakosch, for extradition, and Appellant designates the following parts of the record as necessary for the consideration of the above point, to-wit:

1. Petition for Writ of Habeas Corpus, dated Jan. 8th, 1938.
2. Writ of Habeas Corpus, dated Jan. 8th, 1938.
3. Return to Writ of Habeas Corpus, dated January 10, 1938.
4. Stipulation regarding 2 months' time, not to run until Habeas Corpus Proceedings finished, dated January 11, 1938. [410]
5. Traverse to Return to Writ of Habeas Corpus dated January 15th, 1938.
6. Demurrer to Traverse to Return to Writ of Habeas Corpus dated January 17th, 1938.
7. Motion to Dismiss Writ of Habeas Corpus dated January 17th, 1938.
8. Notice of Motion to Dismiss Writ of Habeas Corpus dated January 19th, 1938.
9. Memorandum of Conclusions by Judge Hollzer dated March 18th, 1938.
10. Minute Order of Judge Hollzer (108/662) ordering discharge of Accused, dated March 18th, 1938.
11. Petition for Appeal dated April 8th, 1938.
12. Assignment of Errors, dated April 8th, 1938.
13. Citation dated April 8th, 1938.

14. Order Allowing Appeal dated April 8th, 1938.

15. Cost Bond filed by Appellant, dated April 7th, 1938.

16. Petition to Enlarge time for filing record and docketing case to Aug. 20th, 1938, dated May 5th, 1938.

17. Order Enlarging time for filing record and docketing case to August 20th, 1938, dated May 6th, 1938.

18. Petition to further Enlarge time for filing record and docketing case until such time as may be hereafter fixed by the Court after arrest of Respondent, dated August 12, 1938.

19. Order enlarging time for filing Record and docketing case until such time as may be hereafter fixed by the Court after arrest of Respondent, dated August 12, 1938.

20. Petition to Increase Bail dated February 3rd, 1939.

21. Order to Increase Bail dated February 6th, 1939.

22. Bail Bond, dated February 14th, 1939.

23. Reporter's Transcript of Proceedings before Commissioner Head, dated December 28th, 1937.

24. British Consul's Exhibit No. 1, dated October 18th, 1937. [411]

25. British Consul's Exhibit No. 2, dated November 30, 1937.

26. Report of Commissioner Head, dated January 7th, 1938, including the following Exhibits: Ex. A. Complaint, dated October 14th, 1937; Ex. B. Warrant in Extradition dated October 14th, 1937; Ex. C, Warrant of Temporary Commitment dated October 14th, 1937; Ex. D,. Amended Complaint, dated November 16, 1937; Ex. E, Warrant of Temporary Commitment dated November 16, 1937; Ex. F, Second Amended Complaint dated December 7th, 1937; Ex. G, Warrant of Commitment dated December 13th, 1937.

Dated: April 28th, 1939.

S. T. HANKEY,

F. J. FINUCANE,

Counsel for Appellant. [412]

Received copy of the within document this 28th day of April, 1939.

DOCKWEILER & DOCKWEILER  
AND FRANK JENAL,

Counsel for Appellee.

[Endorsed]: Filed May 2, 1939. Paul P. O'Brien,  
Clerk. [413]

